

13 JUNE 1947

I N D E X  
of  
EXHIBITS

| <u>Doc.<br/>No.</u> | <u>Def.<br/>No.</u> | <u>Pros.<br/>No.</u> | <u>Description</u>   | <u>For<br/>Ident.</u> | <u>In<br/>Evidence</u> |
|---------------------|---------------------|----------------------|--|-----------------------|------------------------|
| 1578                | 2735                |                      | Affidavit of USHIBA,<br>Tomohiko   |                       | 24286                  |
| 1580                | 2735-A              |                      | "On the Tri-Partite<br>Alliance" by<br>Fumimaro KONOYE   |                       | 24289                  |
| 206-G               | 2736                |                      | Excerpts from "Ten<br>Years in Japan" by<br>Joseph C. Grew<br>(pp. 288-294 incl.)  |                       | 24311                  |
|                     |                     |                      | <u>MORNING RECESS</u>  |                       | 24311                  |
| 1635                | 2737                |                      | Telegram from Ott to<br>the German Foreign<br>Office dated 20<br>October 1939  |                       | 24326                  |
| 1400-E-3            | 2738                |                      | Excerpt from "Foreign<br>Relations of the<br>U.S., Japan, 1931-<br>1941" a telegram<br>from Ambassador<br>Grew to Cordell<br>Hull dated 23<br>October 1939 |                       | 24327                  |
| 1400-B-3            | 2739                |                      | Excerpt from "Foreign<br>Relations of the<br>U.S., Japan 1931-<br>1941" Vol. II, De-<br>partment of State,<br>Washington,<br>(pp. 171-173 incl.)           |                       | 24335                  |

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|---------------------|---------------------|----------------------|---|-----------------------|------------------------|
|                     |                     |                      | <u>NOON RECESS</u>  |                       | 24341                  |
| 837                 | 2740                |                      | Address by Foreign Minister<br>MATSUOKA at the<br>Governors' Conference<br>7 October 1940   |                       | 24357                  |
| 1072                | 2741                |                      | Premier KONOYE's Address<br>at the 76th Session<br>of the Imperial Diet<br>21 January 1941  |                       | 24370                  |
|                     |                     |                      | <u>AFTERNOON RECESS</u>   |                       | 24373                  |
| 312                 | 2742                |                      | Address of the Foreign<br>Minister, Admiral<br>Teijiro TOYOSA, at<br>the luncheon in Com-<br>memoration of the First<br>Anniversary of the Con-<br>clusion of the Three-<br>Power Pact 27 September<br>1941 |                       | 24374                  |
| 311                 | 2743                |                      | Address of the Foreign Minister<br>Mr. Shigenori TOGO deliver-<br>ed at the Extraordinary<br>Session of the Diet 17<br>November 1941  |                       | 24375                  |
| 1675                | 2744                |                      | Affidavit of Henrich Stahmer  |                       | 24392                  |

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WITNESSES

Defense: Witnesses

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Friday, 13 June 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE E. H. NORTHCROFT,  
Member from the Dominion of New Zealand, not sitting  
from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFF.)



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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. President,  
5 if the Tribunal please, we present the following  
6 language correction: Exhibit No. 849, record page  
7 8414, line 25, substitute "seven or eight fold," for  
8 "seventy percent to eighty percent."

9 THE PRESIDENT: Mr. Cunningham.

10 MR. CUNNINGHAM: If the Tribunal please, I  
11 next call witness USHIBA, Tomohiko, former secretary  
12 to the late Prince KONOYE -- USHIBA's affidavit,  
13 No. 1578.

14  
15 T O M O H I K O U S H I B A, called as a witness  
16 on behalf of the defense, being first duly sworn,  
17 testified through Japanese interpreters as follows:

18 DIRECT EXAMINATION

19 BY MR. CUNNINGHAM:

20 Q Mr. USHIBA, will you state your name and  
21 your address, please?

22 A My name is USHIBA, Tomohiko. My address:  
23 No. 79 Iriuda, City of Odawara.

24 MR. CUNNINGHAM: I ask that the witness be  
25 shown defense document 1578.

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1 Q I ask you to look at this document and state  
2 whether or not it is your affidavit.

3 A This is my affidavit.

4 Q I ask you to state whether or not the  
5 statements contained therein are true.

6 A True and correct.

7 MR. CUNNINGHAM: I offer in evidence defense  
8 document 1578 and I offer to read the same into the  
9 record.

10 THE PRESIDENT: Mr. Comyns Carr.

11 MR. COMYNS CARR: Your Honor, the prosecution  
12 objects to this affidavit in part at this time. The  
13 witness was private secretary to the late Prince KONOYE  
14 and the object of this affidavit is for him to authen-  
15 ticate two documents to be tendered by the defense.  
16 Pages 2, 3 and part of 4 of the affidavit deal with  
17 the document 1579, defense number, which has not been  
18 served, and we object to the witness referring to that  
19 document until it has been served. There are several  
20 versions of the document in question known to be in  
21 existence and considerable doubt as to their authentic-  
22 ity.

23 The second document to which the affidavit  
24 refers is defense document No. 1580. Prosecution  
25 objects to that document in toto and, in particular,



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1 objects to the third sentence on page 5 in which the  
2 witness purports to state the motive in the late  
3 Prince KONOYE's mind in writing this document. The  
4 document, he says in the last paragraph on page 4,  
5 was compiled about May or June, 1945; and in the  
6 paragraph to which I have referred the witness de-  
7 scribes the motive as being a desire on the part of  
8 the Prince to argue against an opinion which was at  
9 that date, according to the witness, prevailing  
10 among the people.

11 In our submission a document written in  
12 May or June 1945 purporting to explain what happened  
13 at the time of, or the reasons for entering into,  
14 the Tri-Partite Pact in 1940 should not be admitted.  
15 A perusal of the document supports the witness'  
16 description of it as an argument although in our  
17 submission the date also indicates that the Prince  
18 must have been well aware of the approaching conclusion  
19 of the war and was preparing his argument for Allied  
20 consumption as a defense. We submit that such a  
21 document is altogether outside the range of contem-  
22 porary documents written by deceased persons and is  
23 a mere self-serving argument compiled long after the  
24 event.  
25

To sum up, therefore, we object to the first



1 part of the affidavit's being read until the document  
2 referred to has been served.

3 THE PRESIDENT: Are you submitting, in effect,  
4 that this defense document 1579 is in effect or should  
5 be an exhibit or an annexure to this affidavit now  
6 tendered and should be served with the affidavit?

7 MR. COMYNS CARR: Yes, your Honor.

8 THE PRESIDENT: The rule covers not only the  
9 document itself, the main document, but such things  
10 as annexures and exhibits which are really part of it.

11 MR. COMYNS CARR: Yes.

12 THE PRESIDENT: I think we understand your  
13 point, Mr. Carr, on that.

14 MR. COMYNS CARR: Yes. With regard to the  
15 second part of the affidavit where we have had the  
16 document served, we object to that and the document  
17 altogether for the reasons which I have given.

18 THE PRESIDENT: Mr. Cunningham.

19 MR. CUNNINGHAM: On the first point, your  
20 Honors, defense document 1579 which is to be tendered  
21 to this witness is not ready for distribution on  
22 account of translation. I therefore tender at this  
23 stage only defense document 1580 which is Prince  
24 KONOYE's memoir on the Tri-Partite Pact, and I spe-  
25 cifically intended to eliminate that last page of the

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1 memoir which was objected to on account of the few  
2 words in it which were objectionable and I didn't  
3 propose to read that last part of the memoir.

4 THE PRESIDENT: I am not clear now what  
5 you are doing, Mr. Cunningham. Are you withdrawing  
6 this affidavit and offering defense document 1580?

7 MR. CUNNINGHAM: You could take it, your  
8 Honor, that I am offering only such part of the  
9 affidavit as relates then to 1580 and this witness  
10 will be called later and this other document will  
11 have to be tendered then. He will be a witness in  
12 the later phase of the case anyway.

13 THE PRESIDENT: The objection goes to this  
14 part of the affidavit as well so to determine it we  
15 must see defense document 1580.

16 MR. CUNNINGHAM: If your Honor please, in  
17 regard to 1580, to meet the objection of the prosecu-  
18 tion as relates to 1580, the time when it was written,  
19 we must appreciate that at the time the Tri-Partite  
20 Pact was signed there was no question about its inter-  
21 pretation and all of the responsible people for the  
22 Tri-Partite Pact are dead -- KONOYE, MATSUOKA, SUGI-  
23 YAMA -- and we must rely upon these documents for  
24 their points of view.

25 What I meant to say formerly was that the



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1 question of interpretation of the document, of the  
2 Tri-Partite Pact, did not come up in 1940, did not  
3 arise until many years later.

4 THE PRESIDENT: This is the statement of  
5 the Prime Minister of the day as to the purposes of  
6 the Pact from the Japanese view point, is that so?

7 MR. CUNNINGHAM: This document is offered  
8 for the purpose of showing the Japanese considerations,  
9 the purposes of the Pact from the Japanese view point.  
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1 THE PRESIDENT: He was Prime Minister at  
2 the time of the execution of the Pact; was he,  
3 Mr. Cunningham?

4 MR. CUNNINGHAM: Prince KONOYE was the  
5 Prime Minister at the time of the execution of the  
6 Pact; yes, sir.

7 THE PRESIDENT: The Tribunal admits the  
8 document and overrules the objection.

9 CLERK OF THE COURT: Defense Document 1578  
10 will receive exhibit No. 2735.

11 (Whereupon, the document above  
12 referred to was marked defense exhibit  
13 No. 2735 and received in evidence.)

14 MR. CUNNINGHAM: I now offer to read the  
15 exhibit, 2735.

16 "Sworn Deposition (Translation)

17 "Deponent; -- USHIBA, Tomohiko

18 "Having first duly sworn an oath as on  
19 attached sheet and in accordance with the procedure  
20 followed in my country I hereby depose as follows:

21 "My present address is No. 79 Iriuda,  
22 in the City of Odawara.

23 "In 1934 (Showa 9), when Prince KONOYE  
24 travelled to the United States, I accompanied him  
25 as his private secretary. During the term of the

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1 First KONOYE Cabinet, between 1937 (Showa 12) and  
2 1939 (Showa 14), and of the Second and the Third  
3 KONOYE Cabinets, between 1940 (Showa 15) and 1941  
4 (Showa 16), I served the Prince as Private Secretary  
5 to the Prime Minister. Even after the resignation  
6 of the Third KONOYE Cabinet in October, 1941 (Showa  
7 16) I continued to serve him as private personal  
8 secretary.

9 "Now I will explain the formation and  
10 character of Prince KONOYE's Memoirs relating to the  
11 negotiations between Japan and America."

12 I am going to stop at the last.

13 THE PRESIDENT: You go to page 5 now.

14 MR. CUNNINGHAM: I am going to leave out  
15 reference to 1579.

16 On page 4:

17 "Now I will discuss the writing of Prince  
18 KONOYE's article entitled 'Concerning the Tri-  
19 Partite Alliance'.

20 "In the year of the cessation the hostilities,  
21 that is, towards May or June of 1945 (Showa 20)  
22 Prince KONOYE showed what he himself had written  
23 about the above subject to Mr. ITO, Nobufumi, and  
24 a few other persons, as well as to myself, and asked  
25 for comments upon it. Then, adding some of these



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1 comments to his text, he had it typewritten on  
2 Japanese paper. Furthermore a good number of  
3 copies were mimeographed for distribution among  
4 his friends.

5 "Defense document No. 1580 (Japanese text,  
6 consisting of 13 sheets) is a copy of the above  
7 typewritten one, which was kept by the KONOYE  
8 family. The motive upon which this was written is  
9 as follows:

10 "At that time there was an opinion among  
11 the people that the war against the United States  
12 and Great Britain" --

13 THE PRESIDENT: Mr. Cunningham, we do not  
14 want his opinions. We just want his verification  
15 of the document. All we want him to state in effect  
16 is that this is a document written by Prince KONOYE.

17 MR. CUNNINGHAM: Well, I will skip that  
18 paragraph then and go to the next paragraph, beginning  
19 with:

20 "After Prince KONOYE died, copies of the  
21 mimeographed one were seized and taken away from  
22 his residence by the International Prosecution  
23 Authorities, just as the copies of KONOYE's Memoir  
24 were. That which appeared in a series in the Asahi  
25 Newspaper and that which was issued by Nippon



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1 Denpo-Tsushin-Sha were reproductions of the  
2 mimeographed one, copies of which were distributed  
3 among his friends by Prince KONOYE.

4 "On this 15th day of April, 1947.

5 "At International Military Tribunal For  
6 the Far East.

7 "/S/ USHIBA."

8 Now I offer to read defense document 1580,  
9 with the exception of that part of the last part  
10 which was objected to and which we agreed not  
11 to read.

12 I ask that defense document 1580 be given  
13 an exhibit number.

14 THE PRESIDENT: If it is part of 2376, it  
15 should be an annexia or an exhibit. It should bear  
16 the same number plus a letter. It will be 2375-A  
17 I understand.

18 CLERK OF THE COURT: Defense document  
19 1580 will receive exhibit No. 2735-A.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 2735-A and received in evidence.)

23 MR. COMYNS CARR: Your Honor, for the  
24 correctness of the record, I would like to point  
25 out that my objection was to the whole of this document

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and not only to the last page as my friend says.

THE PRESIDENT: I already said your objection is to the whole and that stands.

MR. CUNNINGHAM: I now offer to read exhibit 2735-A with the exception of the last page.

"The idea of a military alliance between Japan, Germany and Italy was proposed by Germany in the summer of 1938, conveyed by Major-General OSHIMA, then Japanese Military Attache in Berlin, and submitted for consideration to the Japanese Cabinet of which I was Prime Minister for the first time. It was a plan to convert the Tri-Partite Anti-Comintern Pact which was in force at that time into a military alliance, the principal target being the U.S.S.R. The matter was handed down to Baron HIRANUMA's Cabinet when it succeeded mine in January 1939. Deliberations were given the matter by the five Ministers Conference of the HIRANUMA Cabinet which met in as many as seventy odd sessions for that purpose. But, in August of that year, before they were able to come to a conclusion, Germany, without previously communicating it to the Japanese Government suddenly announced the conclusion of a non-aggression pact with Soviet Russia against whom the proposed alliance was to be directed. This



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1 wholly unexpected turn of events, which the greatly  
2 embarrassed HIRANUMA Cabinet described as 'intricate  
3 and baffling', (words now famous in this country)  
4 immediately brought to an end the life of the cabinet  
5 itself as well as the whole scheme of an alliance  
6 against Russia.

7 "In the spring of 1940, however, when the  
8 overwhelming military strength of Germany had swept  
9 across western Europe and threatened, as it appeared,  
10 the existence of Great Britain, the question of a  
11 Tri-Partite military alliance again became a nation-  
12 wide topic of great popularity. However, inasmuch  
13 as the alliance this time was to be directed against  
14 Great Britain and the United States and not against  
15 the U.S.S.R. as in the previous year, there was  
16 a fundamental difference in nature between the two  
17 plans. When I was honored with an Imperial Command  
18 to form a cabinet for the second time, anti-Anglo-  
19 Saxon sentiments and enthusiasm for a Tri-Partite  
20 Alliance were at their height, especially among the  
21 military circles and some groups of the people among  
22 the nation.

23 "The Tri-Partite Alliance was formally  
24 concluded on 27 September 1940. Minister Stahmer  
25 had been sent to Japan by the German Government



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1 as the personal representative of Foreign Minister  
2 von Ribbentrop, and on 9th and 10th September he  
3 held discussions with our Foreign Minister Mr.  
4 MATSUOKA. Since the record of those conversations  
5 throws much light upon the specific objectives of  
6 the alliance as well as the circumstances in which  
7 it was agreed upon, an excerpt of it is given as  
8 follows:

9 "1. Germany does not want the present  
10 conflict to develop into a world war, and she wishes  
11 to bring it to termination as quickly as possible.  
12 She particularly wants the United States to stay out.

13 "2. Germany does not look for Japan's  
14 military assistance at this juncture in connection  
15 with her war with England.

16 "3. What she wants of Japan is to play the  
17 role of restraining and preventing the United States  
18 from entering the war, by all means. Although  
19 Germany does not think at present that the United  
20 States will enter the war, she cannot take a chance.

21 "4. It is, so Germany believes, to the  
22 mutual advantage of both Japan and Germany to enter  
23 into an understanding or agreement, whereby they will  
24 be thoroughly prepared effectively to meet an  
25 emergency, at any moment. This only can prevent, if

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1 anything can prevent, America from entering the  
2 present war, or entering into an armed conflict  
3 with Japan in the future.

4 "5. A strong and determined attitude,  
5 unequivocal and unmistakable, on the part of the  
6 three nations, Japan, Germany, and Italy, and the  
7 knowledge of it by the United States and the world  
8 at large at this juncture. That alone can be of  
9 a powerful and effective deterrent on the United  
10 States. A weak, lukewarm attitude or declaration  
11 at this juncture will only invite danger.

12 "6. Germany hopes that Japan will also  
13 estimate the importance of the situation, realize  
14 the magnitude and the reality of the potential  
15 (perhaps impending for all we may know) danger coming  
16 from the Western Hemisphere, and act quickly and  
17 decisively to forestall it by reaching an agreement  
18 among the three of such a nature that neither the  
19 United States nor the rest of the world would be  
20 left in doubt.

21 "7. It is better first to reach an agree-  
22 ment among Germany, Italy, and Japan and then,  
23 immediately to approach Soviet Russia. Germany is  
24 prepared to act the part of an honest go-between  
25 on the question of rapprochement between Japan and



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1 Soviet Russia, and she can see no unsurmountable  
2 obstacles in the path; it may be settled without  
3 much difficulty. German-Russia Relations are good,  
4 contrary to what the British propaganda claims and  
5 Russia is carrying out all her commitments to the  
6 full satisfaction of Germany.

7 "8. Despite the fact that the Axis (including  
8 Japan) must be thoroughly prepared to meet the worst  
9 emergency, Germany will, on the other hand, make use  
10 of every means in her power to prevent a clash  
11 between the United States and Japan, and even to  
12 improve relations between the two, if it is humanly  
13 possible.

14 "9. Stahmer's words may be regarded as  
15 coming directly from Ribbentrop.

16 "As is clear from the above record of the  
17 conversations, there were two specific objectives  
18 in concluding the Tri-Partite Pact. The first was  
19 to prevent the United States from participating in  
20 the war in Europe and thus to forestall the spreading  
21 of the war; the second, to secure friendly relations  
22 between Japan and the U.S.S.R.

23  
24  
25

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1                   "1. Prevention of the American Participa-  
2                   tion in the War

3                   "H. M. the Emperor proclaimed in the Imperial  
4 Rescript issued in the occasion of the conclusion of  
5 the Treaty, 'We earnestly desire that war be termina-  
6 ted and peace restored as quickly as possible.' At  
7 that time he had in mind the prevention of a world-wide  
8 spread of the war, and especially, the prevention of  
9 American participation in it. With reference, however,  
10 to whether the Tripartite Alliance would serve that  
11 purpose, opinion was sharply divided. At the Imperial  
12 Conference immediately preceding the conclusion of the  
13 proposed Alliance, a member argued that the United  
14 States had hitherto been refraining from bringing  
15 pressure upon Japan, lest such an action impel Japan  
16 to go over to the Axis side, but any decisive move on  
17 our part to draw closer to Germany and Italy, so far  
18 from functioning as a warning to America, would  
19 greatly stiffen her attitude towards us, inasmuch as  
20 she was a proud nation; he concluded that the proposed  
21 Alliance would only render the adjustment of our rela-  
22 tions with the United States so much more difficult  
23 that a situation would finally arise in which a war  
24 between the two countries would become unavoidable.  
25 Mr. MATSUOKA, however, contended as follows:



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1           " 'In the light of our experiences in the past,  
2 any attempt to improve friendly relations with the  
3 United States by our taking a courteous attitude or of  
4 sowing their good-will would not only prove utterly  
5 ineffective, but rather precipitate the present es-  
6 trangement by inviting the feeling of contempt in the  
7 United States. If there is any means by which to check  
8 the deterioration of relations, and if possible, to  
9 improve them at all, that will be to assume what  
10 Minister Stahmer called a "determined attitude."

11           May I ask Mr. Blewett to continue the reading  
12 of this? My throat is raw.

13           MR. BLEWETT (reading continued): "For that  
14 purpose, it will be of the utmost importance to make  
15 as many allies as possible, and to proclaim it before  
16 the world as soon as possible, thus strengthening our  
17 position against the United States. While keeping ever  
18 vigilant eyes upon any repercussions which may arise  
19 of such a move on our part, I will try at the same  
20 time not to overlook any opportunity of restoring our  
21 relations with America to a more normal basis. The  
22 important point is, first of all, to show unmistakably  
23 a firm stand against the United States.'

24           "Which of these opposing views was right,  
25 or whether the conclusion of the Tripartite Alliance

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1 was effective in preventing the American participa-  
2 tion in the war, must remain a question never answered;  
3 for in December 1941, before the United States joined  
4 the war, Japan herself, who had wanted that country  
5 to stay out, declared war upon her. One might attrib-  
6 ute to the existence of the Tripartite Alliance the  
7 fact that, for over one year after the proclamation of  
8 it, America did not enter the war. One thing at least  
9 is beyond doubt; that is, she persistently sought to  
10 rob the Alliance of its practical significance through-  
11 out the Japanese-American conversations opened in  
12 April 1941. I see in that fact clear evidence that  
13 the Tripartite Alliance was proved to be from the  
14 American point of view, a considerable obstacle to  
15 joining the war which could not easily be overcome.

16 "2. Establishment of Friendly Relations with  
17 the U.S.S.R.

18 "The second specific objective of the Tri-  
19 partite Alliance was to adjust our relations with  
20 Soviet Russia through the mediation of Germany, who  
21 had succeeded in establishing friendly relations with  
22 that country with the conclusion of the Non-Aggression  
23 Pact, and, if possible, to bring about an alliance of  
24 all three by which Japan would be able to make her  
25 voice weightier against the Anglo-American combina-



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1 tion and thus facilitate the settlement of the Sino-  
2 Japanese conflict.

3 "For years I had keenly supported the opinion  
4 that peaceful relations between Japan and America  
5 should be consolidated. It was out of my sincere de-  
6 sire to make a contribution, however meagre, to the  
7 peace of the Pacific by discovering a solid basis of  
8 mutual understanding between the two peoples that, in  
9 the summer of 1934, I had a visit in the United States  
10 and met several prominent people in and out of the  
11 Government. But since then, against my wishes, Jap-  
12 anese - American relations had deteriorated. Especi-  
13 ally, after the outbreak of the conflict in China,  
14 they had practically gone into an impasse. After  
15 things had taken such a turn there was scarcely any  
16 hope of success, as Mr. MATSUOKA pointed out, in the  
17 attempt to improve our relations by merely exchanging  
18 courtesy and begging for good-will. The Japanese  
19 Government had not, of course, always limited itself  
20 to such sowing of good-will. On the contrary, the  
21 successive Foreign Ministers, notably Mr. ARITA and  
22 Admiral NOHURA, made it their principal aim in diplo-  
23 macy to reach an understanding with the American  
24 Government on the greatest issue of all which lay  
25 between the two countries, namely, the China problem,

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1 and their efforts to that end were truly painstaking.  
2 However, all such efforts having been proved entirely  
3 fruitless, it had now become clear that every normal  
4 approach to the American Government had been closed.  
5 Besides, the danger of Japan being left isolated  
6 looked imminent. Under such circumstances, the only  
7 possible way left open to Japan was to take sides with  
8 the side opposing America, namely, Germany and Italy,  
9 and through them, together with the U.S.S.R. as well,  
10 to force America to give up the idea of coercing Japan.  
11 It was not enough to combine with Germany and Italy.  
12 Only when the U.S.S.R. had been induced to join the  
13 combination would an equilibrium of power be attained  
14 as against the Anglo-American combination, and only  
15 when such an equilibrium had been attained would  
16 rapprochement with America become possible. The  
17 ultimate aim, then, of our attempt to combine with  
18 Germany and Russia lay also in the adjustment of our  
19 relations with America, and, as the result of such  
20 adjustment, the settlement of our long conflict with  
21 China. While on the one hand I was an ardent proponent  
22 of the adjustment of Japanese-American relations, on  
23 the other hand I advocated the opinion that we must be  
24 on guard against the U.S.S.R. The reasons for which I,  
25 who disapproved a friendship with the U.S.S.R.,



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1 approved the Japanese-German-Russian combination  
2 were twofold: first, it was thought under the then  
3 prevailing circumstances that this would be the only  
4 way to reach an understanding with the United States;  
5 second, I believe that the danger from the U.S.S.R.,  
6 against which we had to be on guard, could be satis-  
7 factorily mitigated by restraining her by ourselves  
8 in the east and by Germany in the west.

9 "As is clear from the record of the MATSUOKA-  
10 Stahmer conversations, Germany was under commitment to  
11 assist Japan in adjusting her relations with Soviet  
12 Russia, and Minister Stahmer, on leaving for his home  
13 country, reiterated his intention to make an effort  
14 for the realization of that objective. There is  
15 reason to believe that, at least up until November  
16 1940, when M. Molotov visited Berlin, Germany had been  
17 moving in the direction of the Japanese-German-Russian  
18 combination. For a memorandum was sent by Herr von  
19 Ribbentrop to the Japanese Government, in which he  
20 proposed that: A pact shall be concluded between  
21 Japan, Germany, and Italy as one party and the U.S.S.R.  
22 as the other, in which:

23 "1. The U.S.S.R. should agree in principle  
24 to the Tripartite Alliance as a means of checking the  
25 spread of war and speedily restoring world peace;

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1 "2. The U.S.S.R. should recognize the lead-  
2 ing position of Germany and Italy in Europe and of  
3 Japan in the Far East, and the three Powers should  
4 pledge themselves to respect the territorial integrity  
5 of U.S.S.R.

6 "3. The three Powers and U.S.S.R. should  
7 pledge themselves not to assist any Power, or join  
8 any group or Powers, which are at war with the other  
9 contracting party.

10 "Besides, the four contracting Powers should  
11 enter into a secret understanding that the Far East,  
12 Iran and India, Central Africa be recognized as the  
13 spheres of influence in the future of Japan, the  
14 U.S.S.R., Germany, and Italy respectively.

15 "Our Government accepted the scheme and Herr  
16 Ribbentrop presented it to M. Molotov in November of  
17 that year.

18 "Thus the Tripartite Alliance was concluded  
19 on the theory that the U.S.S.R. would join the future.  
20 A totally different situation, however, awaited Mr.  
21 MATSUOKA in Berlin when he visited there in March  
22 1940" -- that should be 1941, your Honor. "Both  
23 Herr Hitler and Foreign Minister von Ribbentrop poin-  
24 ted out instances of bad faith and outrageous conducts  
25 of Soviet Russia. They revealed to Mr. MATSUOKA, with



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1 reference to the Ribbentrop memorandum mentioned above,  
2 that M. Molotov, while accepting it in principle, put  
3 forward in return over thirty items as counter-proposals  
4 which it was quite out of the question for Germany to  
5 consider. They also insisted that the root of European  
6 troubles could not be removed unless a severe blow was  
7 dealt to Soviet Russia. In short, Germany's Soviet  
8 policy had been completely reversed since the conclu-  
9 sion of the Alliance in the previous year.

10 "Mr. MATSUOKA made it clear that Japan could  
11 not easily agree to a German war against Russia  
12 because she would be immensely affected by such an  
13 eventuality. He further confided his intention to meet  
14 the Soviet leaders in Moscow on his way home, with a  
15 view to adjusting relations between the two countries.  
16 Herr von Ribbentrop commented on this by saying that,  
17 since Soviet Russia could not be trusted, any such  
18 attempt would be futile, and, when asked by Mr. MATSUO-  
19 KA what would be the outcome if he succeeded in coming  
20 to some concrete agreement with the Soviet Government,  
21 replied that there would be no objection to such an  
22 agreement, although he could hardly see any use in  
23 such negotiations. (Such was the verbal report Mr.  
24 MATSUOKA presented to his home government on his  
25 return from Europe.)

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1 "MR. MATSUOKA negotiated on his return trip  
2 in Moscow with the Russian leaders and succeeded,  
3 contrary to the German expectation, in concluding a  
4 Neutrality Pact. According to Ambassador OSHIMA's  
5 reports to Tokyo, Herr Hitler looked rather astonished  
6 at this news, nor did Foreign Minister von Ribbentrop  
7 conceal his unpleasant surprise when he told our  
8 Ambassador that he found it difficult to understand  
9 Mr. MATSUOKA's real intentions in concluding such a  
10 treaty with the very country with whom Germany would  
11 fight in the near future as he had explained to Mr.  
12 MATSUOKA so plainly.

13 "Thus, great was the discrepancy between  
14 Foreign Minister von Ribbentrop's understanding and  
15 that of Mr. MATSUOKA on the same subject. Regardless  
16 of whether it was due to mutual misunderstanding or to  
17 wilful distortion on either side, the fact remained  
18 that German-Soviet relations had rapidly become so bad  
19 after April that all the reports from Ambassador  
20 OSHIMA hinted the imminence of war between the two  
21 Powers. Our government could no longer placidly watch  
22 the development of the situation. Therefore on 28  
23 May 1941, Foreign Minister MATSUOKA, on behalf of our  
24 government, sent a message to Foreign Minister von  
25 Ribbentrop to the effect that, in view of the external



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1 as well as internal situation in Japan, he wished  
2 the German Government to avoid an armed conflict with  
3 the U.S.S.R. by every means at its disposal. The  
4 German Foreign Minister's reply was that war with the  
5 U.S.S.R. was now unavoidable, but he gave assurance  
6 that it would not last longer than two or three months  
7 at most; and asked that he be trusted on this point.  
8 He further reminded that Japan was not being asked to  
9 give any assistance in that war and that, besides, she  
10 would benefit considerably from its outcome. The  
11 highest German military authorities also told Ambassa-  
12 dor OSHIMA that the war would probably end within four  
13 weeks. It would hardly be called a war, but rather  
14 a police action.  
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1 "On the 22nd of June the war broke out. The  
2 United States and Great Britain took no time in de-  
3 claring intention to aid the U. S. S. R; the U. S.  
4 S. R. had now unmistakably joined the Anglo-American  
5 camp. Although this sudden turn in the international  
6 situation did not immediately affect Russo-Japanese  
7 relations, the hope that Japan, Germany and the U. S.  
8 S. R. might become united - the keynote of the Tri-  
9 Partite Alliance had now been shattered, and with  
10 communications between Japan and Germany. The Tri-  
11 Partite Alliance had been deprived of most of its  
12 practical usefulness.

13 "If we call it the first German breach of  
14 faith that, while approaching the Japanese Government  
15 headed by HIRANUMA with a proposal for a tri-partite  
16 alliance directed against Soviet Russia, she sudden-  
17 ly concluded, without any previous notice to us a  
18 non-aggression pact with that very Soviet Russia.  
19 Then might we call it the second German act of a simi-  
20 lar nature that, notwithstanding the pledge entered  
21 into when the Tri-Partite Alliance was concluded to  
22 make an ally of Russia, she waged war upon Soviet Russia,  
23 disregarding our urgent reminding. Japan, then, might  
24 very well claim freedom, legal as well as moral to  
25 reexamine her whole policy pertaining to the Alliance.



1 As a matter of fact, I had informal conversations  
2 with the ministers of the fighting services as to  
3 the desirability of denouncing it outright in view  
4 of the reasons and circumstances of the conclusion  
5 of the Tri-Partite Alliance. However, the army  
6 leaders who had great confidence in the German High  
7 Command would not listen to such opinion. Moreover,  
8 Germany's spectacular successes at the first stages  
9 of war seemed even to heighten that confidence.

10 "In such circumstances I reached the follow-  
11 ing conclusion. Reexamination of the Alliance policy  
12 was not feasible because of our internal political  
13 situation; besides to abrogate a treaty which had  
14 only in the preceding year been concluded would be  
15 contrary to our international faith, even though it  
16 was due to a perfidious act on the part of a co-  
17 signatory Power -- an act which scarcely constituted  
18 an excuse publicly acceptable. It was not appropriate,  
19 therefore, to challenge the Tri-Partite Alliance it-  
20 self. But now the war had broken out between Germany  
21 and Russia and all hope of the Japanese-German-Russian  
22 combination, one of the main aims of the Alliance, had  
23 been dashed. Under the conditions it would be extreme-  
24 ly grave for Japan if she should be drawn into the  
25 danger of a war with the United States, a danger which

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1 might arise in the future from the Tri-Partite Alli-  
2 ance. Above all, this would completely nullify the  
3 aim for which we concluded the Alliance. Every pre-  
4 caution should therefore be taken against this danger.

5 "The way to that end, in my opinion, could  
6 be sought nowhere else than in closer relationship be-  
7 tween Japan and America. And this possibility, though  
8 despaired of a year ago, had now become rather hope-  
9 ful as the United States, impelled by the necessity  
10 of rescuing Great Britain in Europe, had been seeking  
11 to avoid at any cost an entanglement with Japan in  
12 the Pacific. In fact, the Japanese-American talks  
13 had been commenced in April of that year. It was  
14 out of such consideration that I made up my mind to  
15 bring the Japanese-American conversations to a suc-  
16 cessful conclusion at any cost -- even at the cost of  
17 more or less mitigating the Tri-Partite Alliance."

18 MR. COMYNS CARR: Your Honor, that passage  
19 which has just been read is not in the copy served  
20 upon us.

21 THE PRESIDENT: Well, it is page 9 of ours  
22 and looks like an addition.

23 MR. COMYNS CARR: I am sorry. For some reason,  
24 there is a half page left blank, and it is printed with  
25 the certificate. I thought it was the certificate, there.



1           Your Honor, may I point out that the docu-  
2 ment contains -- this memorandum contains a number of  
3 references to documents not produced, particularly on  
4 page 7.

5           THE PRESIDENT: We accepted it only so far  
6 as it discloses Prince KONOE's reasons expressed on  
7 behalf of Japan for entering into those alliances.

8           MR. COMYNS CARR: So long as it is not  
9 accepted --

10          THE PRESIDENT: Before we accept any refer-  
11 ence to the contents of a document, we must have the  
12 document or have its absence accounted for, that is,  
13 so far as the references are relied upon as proof of  
14 the contents of the document.

15          MR. CUNNINGHAM: Your Honor, I understood  
16 that you mean the affidavits of witnesses, not  
17 necessarily reference in documents to other documents.

18          THE PRESIDENT: What Prince KONOE says as to  
19 the contents of the document will not be accented as  
20 proof of those contents.

21          MR. CUNNINGHAM: The witness may be cross-  
22 examined.

23          THE PRESIDENT: Mr. Comyns Carr.

24          MR. COMYNS CARR: We do not desire to cross-  
25 examine the witness on this part of his affidavit.

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1 The other part we will consider when we have seen the  
2 proposed exhibit.

3 THE PRESIDENT: Is there no contest about the  
4 genuineness of this particular document?

5 MR. COMYNS CARR: No, your Honor, as far as  
6 we know, as to the authenticity of this one, as having  
7 been written by Prince KONOUE at the date the witness  
8 states.

9 MR. CUNNINGHAM: I was under the impression  
10 that the witness properly identified defense document  
11 1580. Otherwise, I would like to ask him some questions  
12 which clarify that situation, because that is the pur-  
13 pose of the witness being here.

14 THE PRESIDENT: There is no need to do that  
15 in view of Mr. Carr's admission.

16 MR. CUNNINGHAM: I ask that the witness then  
17 be released on the usual terms.

18 THE PRESIDENT: He is released accordingly.

19 (Whereupon, the witness was ex-  
20 cused.)

21 MR. CUNNINGHAM: I ask if the Tribunal has  
22 reached a decision on defense document 613-A (12) and  
23 (13), the interrogation of MATSUOKA.

24 THE PRESIDENT: We have not yet conferred on  
25 that.



MR. CUNNINGHAM: I will defer that until --

THE PRESIDENT: Until we are able to confer.

MR. CUNNINGHAM: I now offer in evidence defense document 206-G, an excerpt from Ambassador Grew's book "Ten Years in Japan," to show --

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document --

BRIGADIER NOLAN: May I be heard? I thought counsel had not finished his remarks in introducing the document.

MR. CUNNINGHAM: Your Honor, I was stopped by the light.

(Continuing) To show that on 19 October 1939 Ambassador Grew, who returned from his vacation in the United States, delivered a speech in the American-Japanese Society in Tokyo, strongly denouncing the Japanese policy in China; that Ambassador Grew knew the speech was a sort of dynamite going directly to the Japanese public over the head of the Japanese Government and outside the usual diplomatic procedure, and would cause strong reaction in Japan. This is a preliminary for the following documents which show bad effects this speech had on the Japanese-American relations.

THE PRESIDENT: Brigadier Nolan.

1       BRIGADIER NOLAN: May it please the Tribunal,  
2       the prosecution object to a portion of this document.  
3       The first two paragraphs consist of the reflections  
4       and ruminations of a gentleman about to make a speech,  
5       and, in our submission, there is nothing in those two  
6       first paragraphs which could assist this Tribunal. We  
7       make no objection to the report of the speech itself.

8       THE PRESIDENT: Mr. Cunningham, are you going  
9       to say anything in support of those first two para-  
10      graphs?

11      MR. CUNNINGHAM: I was going to suggest that  
12      the first two paragraphs explain pretty much the back-  
13      ground for the speech, and both should be read together.  
14      But, I do not want to insist upon it unless -- the Court  
15      can see the value in it by reading it, of course.

16      THE PRESIDENT: Well, only the speech is ad-  
17      mitted. The objection is upheld to that extent.

18      CLERK OF THE COURT: Defense document 206-G  
19      will receive exhibit No. 2736.

20      (Whereupon, the document above re-  
21      ferred to was marked defense exhibit No. 2736  
22      and received in evidence.)

23      THE PRESIDENT: We will recess for fifteen  
24      minutes.

25      (Whereupon, at 1045, a recess was



1 taken until 1100, after which the proceed-  
2 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Cunningham.

4 MR. CUNNINGHAM: I will ask Mr. Blewett to  
5 read exhibit 2736, that part which is to be read.

6 THE PRESIDENT: Mr. Blewett.

7 MR. BLEWETT: (Reading) "Straight from the  
8 Horse's Mouth."

9 "(From an Address Before the America-Japan  
10 Society, October 19, 1939).

11 "We have a phrase in English 'straight from  
12 the horse's mouth.' I never knew why the particular  
13 animal chosen was a horse, especially as most horses  
14 are generally not very communicative. But the meaning  
15 is clear enough. What I shall say in Japan in the  
16 ensuing months comes 'straight from the horse's mouth'  
17 that it will accurately represent and interpret some  
18 of the current thoughts of the American Government and  
19 people with regard to Japan and the Far East. I had the  
20 privilege of also conferring repeatedly with the President  
21 and with the Secretary of State during my stay at home.

22 "Before I left for America last May a Japanese  
23 friend of mine begged me to tell my friends in America  
24 the situation in Japanese-American relations as he  
25 conceived it. It ran somewhat as follows:



1 "American rights and interests in China are  
2 suffering some minor and unimportant inconveniences  
3 in China as a result of Japanese military operations;  
4 the Japanese military take every possible precaution  
5 to avoid inconvenience to American interests; reports  
6 published in the United States in regard to damage to  
7 American interests by the Japanese in China are  
8 intentionally exaggerated in order to inflame the  
9 American people against Japan; in large measure those  
10 activities of the Japanese to which Americans object  
11 are the result of differences in customs, differences  
12 in language, and a legalistic attitude which has been  
13 adopted by the United States; the attitude of the  
14 Government of the United States in regard to impair-  
15 ment of American rights and interests in the Japanese-  
16 occupied areas of China is in large part due to  
17 internal political conditions in the United States;  
18 in the near future the situation in the occupied areas  
19 of China will be so improved that the United States  
20 will no longer have any cause for complaint. That  
21 was the point of view of my Japanese friend.

22 "Alas, the truth is far otherwise. The facts,  
23 as they exist, are accurately known by the American  
24 Government. They are likewise known by the American  
25 people, and in the interests of the future relations

1 between Japan and the United States those facts must be  
2 faced. Only through consideration of those facts can  
3 the present attitude of the American Government and  
4 people toward Japan be understood; only through consider-  
5 ation of those facts, and through constructive steps  
6 to alter those facts, can Japanese-American relations  
7 be improved. Those relations must be improved.

8 "Having said all this I do not propose today  
9 to deal in detail with the causations which have brought  
10 about that feeling in my country. This is not the  
11 occasion to enter any 'bill of particulars.' Those  
12 facts, those difficulties between our nations, are  
13 matters for consideration by the two Governments; indeed,  
14 some of them are matters which I have been discussing  
15 with the Japanese Government during the past two years,  
16 and I shall continue to approach these matters. But I  
17 believe that the broad outline of those facts and diffi-  
18 culties are known to you. Some of these difficulties are  
19 serious.

20 "Now, many of you who are listening to me may  
21 well be thinking 'There are two sides to every picture;  
22 we in Japan also have our public opinion to consider.'  
23 Granted. In America, as I have already said, I did my  
24 best to show various angles of the Japanese point of  
25 view. But here in Japan I shall try to show the American



1 point of view. Without careful consideration of both  
2 points of view we can get nowhere in building up good  
3 relations. I wish you could realize how intensely I  
4 wish for that most desirable end and how deeply I desire,  
5 by pure objectivity, to contribute to a successful  
6 outcome. Let me therefore try to remove a few utterly  
7 fallacious conceptions of the American attitude as I  
8 think they exist in Japan today.

9 "One of these fallacies is that the American  
10 approach to affairs in East Asia is bound by a purely  
11 'legalistic' attitude, a conception which widely  
12 prevails in this country today. What is meant by a  
13 'legalistic' attitude? If we mean respect for treaties,  
14 official commitments, international law, yes; that  
15 respect is and always will be one of the cardinal  
16 principles of American policy. But the very term 'a  
17 legalistic attitude,' as it has often been used in my  
18 hearing in Japan, seems to imply a position where one  
19 cannot see the woods for the trees, where one's vision  
20 of higher and broader concepts is stultified. Let me  
21 therefore touch briefly on a few of the cardinal  
22 principles of American policy and objectives, molded  
23 to meet the requirements of modern life, which, it is  
24 true, are fundamentally based upon but which seem to  
25 me far to transcend any purely 'legalistic' approach

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18 hearing in Japan, seems to imply a position where one  
19 cannot see the woods for the trees, where one's vision  
20 of higher and broader concepts is stultified. Let me  
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22 principles of American policy and objectives, molded  
23 to meet the requirements of modern life, which, it is  
24 true, are fundamentally based upon but which seem to  
25 me far to transcend any purely 'legalistic' approach



to world affairs.

1           "The American people aspire to relations of  
2       peace with every country and between all countries.  
3       We have no monopoly on this desire for peace, but we  
4       have 'a very definite conviction that the sort of peace  
5       which, throughout history, has been merely an interlude  
6       between wars is not an environment in which world  
7       civilization can be stably developed or, perhaps, can  
8       even be preserved. We believe that international  
9       peace is dependent on what our Secretary of State has  
10      characterized as 'orderly processes' in international  
11      dealing.  
12

13           "The American people desire to respect the  
14      sovereign rights of other people and to have their own  
15      sovereign rights equally respected. We have found by  
16      experience that the successful approach to the resolving  
17      of international disputes lies not so much in merely  
18      abstaining from the use of force as in abstaining from  
19      any thought of the use, immediately or eventually, of  
20      the methods of force. Let cynics look about them and  
21      contemplate the consequences of resort to menacing  
22      demands as a process in the conduct of international  
23      relations! It is being purely 'legalistic' to put to  
24      wise and practical use the finer instincts common to  
25      all mankind?

1           "The American people believe that the day is  
2 past when wars can be confined in their effects to  
3 the combatant nations. When national economies were  
4 based upon agriculture and handicraft, nations were to  
5 a large extent self-sufficient; they lived primarily  
6 on the things which they themselves grew or produced.  
7 That is not the case today. Nations are now increasingly  
8 dependent on others both for commodities which they do  
9 not produce themselves and for the disposal of the  
10 things which they produce in excess. The highly complex  
11 system of exchange of goods has been evolved by reason  
12 of each nation's being able to extract from the ground  
13 or to manufacture certain commodities more efficiently  
14 or economically than others. Each contributes to the  
15 common good the fruits of its handiwork and the  
16 bounties of nature.

17           "It is this system of exchange which has not  
18 only raised the standard of living everywhere but has  
19 made it possible for two or even three persons to  
20 live in comfort where but one had lived in discomfort  
21 under a simple self-contained economy. Not only the  
22 benefits of our advanced civilization but the very  
23 existence of most of us depend on maintaining in  
24 equilibrium a delicate balanced and complex world  
25 economy. Wars are not only destructive of the wealth,



1 both human and material, of combatants, but they  
2 disturb the fine adjustments of world economy. Conflict  
3 between nations is therefore a matter of concern to  
4 all the other nations. Is there then any stultification  
5 through 'legalistic' concepts when we practice our-  
6 selves and urge upon others the resolving of interna-  
7 tional disputes by orderly processes, even if it were  
8 only in the interests of world economy? How, except  
9 on the basis of law and order, can these various con-  
10 cepts in international dealing be secured?

11 "The American people believe in equality of  
12 commercial opportunity. There is probably no nation  
13 which has not at one time or other invoked it. Even  
14 Japan, where American insistence on the Open Door is  
15 cited as the supreme manifestation of what is charac-  
16 terized as a 'legalistic' American attitude -- even  
17 Japan, I say -- has insisted upon and has received the  
18 benefits of the Open Door in areas other than China,  
19 where, we are told, the principle is inapplicable  
20 except in a truncated and emasculated form. That  
21 highly complicated system of world economy of which I  
22 have just spoken is postulated upon the ability of  
23 nations to buy and sell where they please under condi-  
24 tions of free competition -- conditions which cannot  
25 exist in areas where pre-emptive rights are claimed and

1 asserted on behalf of nationals of one particular  
2 country.

3 "I need hardly say that the thoughts which  
4 I have just expressed are of universal applicability.  
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1 "Another common fallacy which I am constrained  
2 to mention is the charge that the American Government  
3 and people do not understand 'the new order in East  
4 Asia.' Forgive me if I very respectfully take issue  
5 with that conception. The American Government and  
6 people understand what is meant by the 'new order in  
7 East Asia' precisely as clearly as it is understood in  
8 Japan. The 'new order in East Asia' has been officially  
9 defined in Japan as an order of security, stability,  
10 and progress. The American Government and people earnestly  
11 desire security, stability, and progress not only for  
12 themselves but for all other nations in every quarter  
13 of the world. But the new order in East Asia has  
14 appeared to include, among other things, depriving  
15 Americans of their long-established rights in China,  
16 and to this the American people are opposed.

17 "There's the story. It is probably that many  
18 of you are not aware of the increasing extent to which  
19 the people of the United States resent the methods  
20 which the Japanese armed forces are employing in China  
21 today and what appear to be their objectives. In saying  
22 this, I do not wish for one moment to imply that the  
23 American people have forgotten the long-time friendship  
24 which has existed between the people of my country and  
25 the people of Japan. But the American people have been

1 profoundly shocked over the widespread use of bombing  
2 in China, not only on grounds of humanity but also on  
3 grounds of the direct menace to American lives and  
4 property accompanied by the loss of American life  
5 and the crippling of American citizens; they regard  
6 with growing seriousness the violation of and inter-  
7 ference with American rights by the Japanese armed  
8 forces in China in disregard of treaties and agreements  
9 entered into by the United States and Japan and treaties  
10 and agreements entered into by several nations, including  
11 Japan. The American people know that those treaties  
12 and agreements were entered into voluntarily by Japan  
13 and that the provisions of those treaties and agreements  
14 constituted a practical arrangement for safeguarding --  
15 for the benefit of all -- the correlated principles of  
16 national sovereignty and of equality of economic oppor-  
17 tunity.

18       "The principle of equality of economic oppor-  
19 tunity is one to which, over a long period and on many  
20 occasions, Japan has given definite approval and upon  
21 which Japan has frequently insisted. Not only are the  
22 American people perturbed over their being arbitrarily  
23 deprived of long-established rights, including those of  
24 equal opportunity and fair treatment, but they feel  
25 that the present trend in the Far East, if continued,



1 will be destructive of the hopes which they sincerely  
2 cherish of the development of an orderly world. Ameri-  
3 can rights and interests in China are being impaired or  
4 destroyed by the policies and actions of the Japanese  
5 authorities in China. American property is being  
6 damaged or destroyed; American nationals are being  
7 endangered and subjected to indignities. If I felt  
8 in a position to set forth all the facts in detail  
9 today, you would, without any question, appreciate  
10 the soundness and full justification of the American  
11 attitude. Perhaps you will also understand why I  
12 wish today to exercise restraint.

13 "In short, the American people, from all the  
14 thoroughly reliable evidence that comes to them, have  
15 good reason to believe that an effort is being made  
16 to establish control, in Japan's own interest, of  
17 large areas on the continent of Asia and to impose  
18 upon those areas a system of closed economy. It is this  
19 thought, added to the effect of the bombings, the indig-  
20 nities, the manifold interference with American rights,  
21 that accounts for the attitude of the American people  
22 toward Japan today. For my part I will say this. It  
23 is my belief, and the belief of the American Government  
24 and people, that the many things injurious to the  
25 United States which have been done and are being done

1 by Japanese agencies are wholly needless. We believe  
2 that real security and stability in the Far East could  
3 be attained without running counter to any American  
4 rights whatsoever.

5 "I have tried to give an accurate interpreta-  
6 tion of American public opinion, most carefully studied  
7 and analyzed by me while at home. The traditional  
8 friendship between our two nations is far too precious  
9 a thing to be either inadvertently or deliberately  
10 impaired. It seems to me logical that from every point  
11 of view -- economic, financial, commercial, in the  
12 interests of business, travel, science, culture, and  
13 sentiment -- Japan and the United States forever should  
14 be mutually considerate friends. In the family of  
15 nations, as between and among brothers, there arise  
16 inevitable controversies, but again and again the  
17 United States has demonstrated its practical sympathy  
18 and desire to be helpful toward Japan in difficult  
19 times and moments, its admiration of Japan's achieve-  
20 ments, its earnest desire for mutually helpful relations.

21 "Please do not misconstrue or misinterpret the  
22 attitude which has prompted me to speak in the utmost  
23 frankness today. I am moved first of all by love of  
24 my own country and my devotion to its interest; but  
25 I am also moved by very deep affection for Japan and



1 my sincere conviction that the real interests, the  
2 fundamental and abiding interests, of both countries  
3 call for harmony of thought and action in our relation-  
4 ships. Those who know my sentiments for Japan, developed  
5 in happy contacts during the seven years in which I have  
6 lived here among you, will realize, I am sure, that my  
7 words and my actions are those of a true friend.

8 "One Japanese newspaper queried, on my return  
9 from America, whether I had concealed in my bosom a  
10 dagger or a dove. Let me answer that query. I have  
11 nothing concealed in my bosom except the desire to  
12 work with all my mind, with all my heart, and with all  
13 my strength for Japanese-American friendship.

14 "Today I have stated certain facts, straight-  
15 forwardly and objectively. But I am also making a plea  
16 for sympathetic understanding in the interests of the  
17 old, enduring friendship between our two great nations.  
18 In a world of chaos I plead for stability, now and in  
19 the long future, in a relationship which, if it can be  
20 preserved, can bring only good to Japan and to the  
21 United States of America."

22 BRIGADIER NOLAN: May it please the Tribunal,  
23 there is an obvious error in the tenth line on page 3;  
24 the words "It is" should obviously be "Is it."

25 THE PRESIDENT: Mr. Cunningham.

1 MR. CUNNINGHAM: Defense document 206-E-4,  
2 do you have it?

3 Will you check and see what the situation is  
4 on it? It isn't in my list.

5 We will go to defense document 1635. I now  
6 offer in evidence defense document No. 1635, a telegram  
7 from Ott to German Foreign Office, dated 20 October  
8 1939, to show the strong reaction of the Japanese public  
9 to Ambassador Grew's speech as seen by the German Amba-  
10 sador in Tokyo, which casted an ill omen for the pro-  
11 American policy of the ABE Cabinet.

12 Skipping the formal parts: "No. 607 of 20.10"

13 Will you please give it an exhibit number?

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1635  
16 will receive exhibit No. 2737.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 2737 and received in evidence.)

20 MR. CUNNINGHAM: (Reading) "The top news  
21 of the press is the speech in the American-Japanese  
22 club here of Ambassador Grew who recently returned  
23 from America. The ambassador avowed at the beginning  
24 to be a friend of Japan of many years and stated the  
25 improvement of the American-Japanese relations as his



1 life-work. The carrying out is made especially difficult  
2 by the Japanese action in China, which hit the American  
3 interests most severely. The American public opinion  
4 is therefore unanimously against Japan. The ambassador  
5 demanded with unusual sharpness respect of the Nine-  
6 Powers Treaty and return to the open door, which Japan  
7 wishes to concede to the other powers in China only  
8 in a completely depreciated form.

9 "The press described in its first commentaries  
10 the speech as a sharp refusal of the China-policy of  
11 Japan. The always proclaimed attempt of compromise  
12 with America thus began unfavorable for the ABE Cabinet.  
13 Telegraphic reports will follow as soon as further  
14 effects become visible." Signed "Ott."

15 I next offer in evidence defense document  
16 1400-E-3, an excerpt taken from "Foreign Relations  
17 of the United States, Japan 1931 - 1941," a telegram  
18 from Ambassador Grew to Hull dated 23 October 1939, to  
19 show the reaction of the Japanese Foreign Office to the  
20 aforementioned speech of Ambassador Grew.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1400-E-3  
23 will receive exhibit No. 2738.

24 (Whereupon, the document above  
25 referred to was marked defense exhibit

1           No. 2738 and received in evidence.)

2           MR. CUNNINGHAM: Skipping the formal parts:  
3           "The Ambassador in Japan (Grew) to the Secretary of  
4           State. Tokyo, October 23, 1939 -- 10 p.m. (Received  
5           October 23 -- 1:17 p.m.)

6           "544. Our 543, October 23, 7:17 p.m. Yaki-  
7           chiro SUMA, newly-appointed Foreign Office spokesman  
8           and formerly Councillor in Washington, gave a long  
9           interview to the foreign correspondents today in regard  
10          to Japanese-American relations. While these corres-  
11          pondents are understood to have cabled the significant  
12          portions thereof to their papers in the United States,  
13          in view of Mr. SUMA's position, it is believed that the  
14          Department may wish to have the contents of his inter-  
15          view as reported here which were substantially as  
16          follows:

17          "Question: Are you handling Ambassador Grew's  
18          address given at the Imperial Hotel as an official  
19          protest, or have you received an official protest  
20          with similar contents?

21          "Answer: We do not regard it as an official  
22          protest nor have we received such an official protest.  
23  
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25



1 "Question: What is Japan's view in regard  
2 to that speech?

3 "Answer: For a diplomat to report accurately  
4 the feeling of his country to the country to which he  
5 is accredited takes an unusual amount of courage and  
6 I am deeply impressed with Mr. Grew's action. However,  
7 it is difficult to agree with the Ambassador's state-  
8 ment that the American public has a correct grasp of  
9 the situation in East Asia. From my own experiences  
10 in America there has been deplorable ignorance  
11 among the people concerning conditions in the Far  
12 East. Recently, I read Hugh Wilson's book entitled  
13 'Memoirs of a Diplomat' in which he states that as the  
14 American people are geographically too well blessed,  
15 public opinion in regard to foreign affairs is one of  
16 a serious character and I am in agreement with him.  
17 American views with regard to the Far East are  
18 completely directed by emotion. The American Govern-  
19 ment and people should pay full attention to actual  
20 facts of the situation in East Asia and their opinion  
21 should be more constructive and practical.

22 "Question: As the treaty expires next  
23 January 18, the view is strong here, the United  
24 States will cease buying Japanese silk and Japan will  
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1       cease buying American cotton. What do you think  
2       of that?

3               "Answer: I heard this sort of view quite  
4       often while in the United States. I even heard that  
5       all trade relations would cease. However, this would  
6       amount to aggressive action against Japan and as it  
7       would not bring the result desired by the United  
8       States the majority of opinion inclined to the view  
9       that it could be spoken of lightly. As Walter  
10      Lippmann has said, the responsibility for the adjust-  
11      ment of Japanese-American relations rests not only  
12      with Japan, the United States also must exert every  
13      effort to observe the road to adjustment.

14             "Question: What do you think about the  
15      rumour that a four-power conference including Japan,  
16      England, France and the United States will be held to  
17      discuss the question of opening the Yangtze River to  
18      navigation?

19             "Answer: That is purely conjecture, France  
20      and England would not have to be mentioned. If neces-  
21      sary, discussions could be carried on with the  
22      United States. In any case the question of opening  
23      the Yangtze to navigation is not to be dismissed  
24      lightly."  
25



1 "Copies by air mail to Shanghai and Peiping.  
2 Shanghai requested to repeat to Chungking by naval  
3 radio."

4 Signed "Grew"

5 MR. CUNNINGHAM: I now offer for identifica-  
6 tion defense document 1656 and tender excerpts there-  
7 from, defense document 1656A to AD, for evidence.  
8 This is an official top-secret document of the  
9 Japanese Foreign Office entitled "Outline of the  
10 Process of Drafting Various Drafts Concerning the  
11 Tripartite Pact of Japan, Germany and Italy, and  
12 Pertaining Documents." This document was compiled by  
13 Mr. MATSUMOTO, Director of the Treaty Department of  
14 the Foreign Office at the time of the conclusion of the  
15 Pact, and show that no aggressive intention was  
16 expressed by any party during the negotiations.

17 Annex 1 to 20 are marked as B to Z and AA  
18 to AD, which I do not wish to read unless specifically  
19 asked by the Court or the Prosecution. However, I  
20 believe that the documents supporting the statement  
21 will be of valuable assistance to the Tribunal for  
22 understanding the background of the Tripartite Pact.  
23 I only propose to read the "Outline of the Process of  
24 Drafting Various Drafts Concerning the Tripartite Pact."

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If it please the Tribunal,  
2 this document appears to consist of 36 excerpts from  
3 a document of which the original is Japanese, al-  
4 though a hasty glance over the original document shows  
5 a few to be in English. There has been no service  
6 of this document upon the prosecution and no attempt  
7 to comply with Rule 6b(1), as amended, until yester-  
8 day. The document was lodged with the Clerk yesterday  
9 but we have not been able to have access to it, due to  
10 its probable use in Court today.

11 We desire to accommodate the defense in every  
12 way we can in cooperating and waiving rules where  
13 that can be done safely, but that, we take it, is no  
14 reason for totally ignoring the rules in regard to  
15 these matters.

16 THE PRESIDENT: You have not had time, you say  
17 to consider whether you should object?

18 MR. TAVENNER: No sir. We have not read a  
19 single one of the documents. We have not compared  
20 them with the original, and none of the precautionary  
21 matters have been taken which we would ordinarily  
22 follow in a matter of this kind, and if I did not so  
23 state or make it plain, none of the excerpts have  
24 been served on the prosecution.

25 THE PRESIDENT: The Clerk of the Court tells



1 me that she does not have copies of the excerpts  
2 for distribution.

3 MR. CUNNINGHAM: Do you have the copies of  
4 A656A, the first excerpt?

5 MR. TAVENNER: There is an indication that  
6 possibly the defense counsel do not realize that Rule  
7 6b(1), as amended, must be complied with. We have  
8 insisted upon it at all times, but have been very  
9 liberal in waiving it wherever it could be done.

10 THE PRESIDENT: It is obvious that Mr.  
11 Cunningham thought the rule had been complied with,  
12 but apparently there has been some breakdown.

13 The Marshal and the Language Section want to  
14 see me during the luncheon adjournment, to complain  
15 about the failure of the Defense to comply with  
16 requirements in respect to their sections. Whose  
17 fault it is, I do not know.

18 MR. CUNNINGHAM: Your Honor, may I answer  
19 the objection now to the document? In the first place,  
20 I do not think it comes under 6b(1) because I am not  
21 asking that the document be admitted and read into the  
22 record. I am only asking that the English copy be  
23 admitted at this time--a few of the excerpts which are  
24 in English, and the original document is in English.  
25 As I explained yesterday, these negotiations were

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21 asking that the document be admitted and read into the  
22 record. I am only asking that the English copy be  
23 admitted at this time--a few of the excerpts which are  
24 in English, and the original document is in English.  
25 As I explained yesterday, these negotiations were



1 conducted in English, and that perhaps a few of the  
2 excerpts are in Japanese, but the document which I  
3 want to read in evidence is in English.

4 THE PRESIDENT: To say the least, that  
5 explanation is inadequate.

6 MR. CUNNINGHAM: And I contend that 6b does  
7 not apply. I shouldn't think the documents which  
8 were originally in English--that the excerpts taken  
9 from them have to be lodged with the Clerk. Maybe  
10 there was some misunderstanding there.

11 Now, on the proposition of seven days and  
12 compliance, I want you to know that we went on a little  
13 early with this phase of the case and perhaps some of  
14 the machinery did not have a chance to function.

15 THE PRESIDENT: We think the rules apply,  
16 and they must be observed. You had better present  
17 some other document, Mr. Cunningham.  
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1 MR. CUNNINGHAM: The second document of the  
2 series, which was commenced yesterday with exhibit No.  
3 2734, is an excerpt taken from No. 1400-B-3. It is  
4 an excerpt taken from "Foreign Relations of the United  
5 States and Japan from 1931 to 1941", a telegram from  
6 Ambassador Grew to Secretary of State Hull, dated  
7 5 October 1940, which shows the explanation handed by  
8 Foreign Minister MATSUOKA to Grew regarding the peace-  
9 ful and defensive purpose of the Tri-Partite Pact.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Defense document 1400-B-3  
12 will receive exhibit No. 2739.

13 (Whereupon, the document above referred  
14 to was marked defense exhibit 2739 and received  
15 in evidence.)

16 MR. CUNNINGHAM: Mr. Levin will read the  
17 document.

18 MR. LEVIN (reading):

19 "Tokyo, October 5, 1940 - 10 p.m. (Received  
20 October 5 - 5:31 p.m.).

21 "948. The Foreign Minister asked me to come  
22 this afternoon to his private residence informally  
23 and alone "for a cup of tea" and for two hours and a  
24 quarter he talked on a variety of subjects. His dis-  
25 course was largely of a historical and philosophical



1 "nature but outstanding points will be reported in  
2 separate telegrams tonight and tomorrow. At the com-  
3 mencement of the talk Mr. Matsuoka communicated oral-  
4 ly in English and handed to me the Japanese text of  
5 'a statement to the United States concerning the  
6 three-power alliance' of which our translation follows.

7 "A statement to the United States concerning  
8 the three-power alliance.

9 "The recent three-power alliance is not aimed  
10 at any particular country. If Japan, Germany and  
11 Italy unite, the probability of being attacked by  
12 another country is decreased, the spreading of world  
13 disorder may be prevented, and in this sense the  
14 alliance contributes to world peace. By this treaty  
15 Japan has further clarified its intention to estab-  
16 lish a new order in greater East Asia including the  
17 South Seas.

18 "The construction of a new order in East Asia  
19 means the construction of a new order under which  
20 Japan establishes the relationship of common exist-  
21 ence and mutual prosperity with the peoples of each  
22 and every land in greater East Asia, that is East  
23 Asia including the South Seas. In a position of equal-  
24 ity with every other country, Japan may freely carry  
25 on enterprises, trade and emigration in and to each

1 "and every land in greater East Asia and thereby be  
2 enabled to solve its population problem. This does  
3 not mean that these areas are to be exploited and  
4 conquered, nor does it mean these areas are to be  
5 closed to the trade and enterprises of other countries.  
6 Japan has long tried to solve its population problem  
7 through emigration, trade and enterprises abroad, but  
8 the various countries of Europe and America have null-  
9 ified Japan's reasonable and peaceful efforts concern-  
10 ing its population problem since those countries have  
11 turned back Japanese immigrants to their great terri-  
12 tories and have obstructed trade and enterprise.

13 "In the greater East Asia sphere of mutual pros-  
14 perity, the endeavor is being made to abolish such  
15 unnatural restrictions on the free activities of  
16 mankind. It is expected that this endeavor will be  
17 accomplished insofar as possible through peaceful means  
18 and with the least possible undesirable change in the  
19 status quo.

20 "Japan's policy toward China forms an important  
21 part of the above endeavor. However, owing to the lack  
22 of understanding on the part of some Chinese people and  
23 to the attitude taken by England and the United States  
24 in not recognizing Manchukuo, which gave rise to Chiang  
25 Kai-shek's hope of recovering Manchukuo, an unfortunate



"clash of arms broke out. This clash is, in fact, war and therefore it is impossible for the Japanese Army during its activities to avoid affecting rights and interests of the powers in China. This is particularly true when such rights and interests hinder the prosecution of Japan's war against China. Accordingly, if the effects upon these rights and interests are to be brought to an end, it is most desirable to encourage and promote peace between Japan and China. This fact notwithstanding the powers are not only checking Japan's actions through legalistic arguments and treaty pronouncements which have become inapplicable because of changing conditions, but are also oppressing Japan through such means as restriction on the exportation of important commodities to Japan and at the same time are giving positive aid to Japan's enemy, the Chiang Kai-shek regime. These actions spring from hidden motives to keep the Orient under conditions of disorder as long as possible and to consume Japan's national strength. We must believe that these actions are not for the love of peace and are not for the purpose of protecting rights and interests. Japan concluded a defensive alliance with Germany and Italy for no other purpose than to resist such pressure from the powers, and there is not the slightest intention to proceed to

1 "'to attack another country. If the United States  
2 understands the aforementioned conditions and cir-  
3 cumstances and Japan's intentions with regard to the  
4 establishment of a new order in East Asia, there will  
5 be no change whatever in the relationship between  
6 Japan and the United States following the conclusion  
7 of this treaty. Japan is determined to settle all  
8 pending questions and to promote and foster friendship  
9 with the United States.'"

10 "Grew."



1           We now offer defense document 837. This  
2 is the address by MATSUOKA at the Governors Confer-  
3 ence on 7 October, 1940 in which MATSUOKA explained  
4 the international situation which formed the back-  
5 ground of the Tri-Partite Pact and the peaceful  
6 purpose of the pact.

7           THE PRESIDENT: Brigadier Nolan.

8           BRIGADIER NOLAN: May it please the Tri-  
9 bunal, we object to defense document 837 which pur-  
10 ports to set out in great detail the international  
11 atmosphere in which the pact was formed. It goes  
12 on to point out that the fundamental conflict be-  
13 tween Japan and China is ideological and then dis-  
14 cusses foreign relations with other countries, men-  
15 tioning the European War, the Dutch East Indies  
16 and French Indo China, and the Soviet Union. This  
17 speech, delivered at a Governors Conference, is,  
18 in the submission of the prosecution, without any  
19 probative value. It is full of political platitudes  
20 and, we submit, should be rejected.

21           MR. CUNNINGHAM: If your Honors please, the  
22 document answers all of the objections which the  
23 prosecution had to other documents. It is contemp-  
24 oraneous with the signing, or a few days after the  
25 signing, of the Tri-Partite Pact. It is the govern-

1 ment's official communication to the Governors of  
2 Japan of the interpretation of the Tri-Partite Pact.  
3 Nothing could be more indicative of public opinion  
4 and feeling of the time.

5 THE PRESIDENT: So far as it states the  
6 reasons for the signing of the pact, given at the  
7 time by the Foreign Minister, it may be useful.

8 MR. CUNNINGHAM: It definitely gives the  
9 background and the considerations which went into  
10 the signing and negotiation of the Tri-Partite Pact  
11 as uttered by the man who took the responsibility  
12 for the negotiation and the conclusion of the pact.

13 THE PRESIDENT: We think probably it con-  
14 tains a lot of material that is not properly admis-  
15 sible. On the other hand, it may have something  
16 in it worth reading or of some value. We will look  
17 through it during the luncheon adjournment, and we  
18 invite you to do the same, Mr. Cunningham, with a  
19 view to cutting it down.

20 MR. CUNNINGHAM: That is agreeable, your  
21 Honor, and I will try to get it right down to rock  
22 bottom declaration on the Tri-Partite Pact.

23 THE PRESIDENT: We will adjourn until half-  
24 past one.  
25

(Whereupon, at 1200, a recess was



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## 1 AFTERNOON SESSION

2 The Tribunal met, pursuant to recess, at 1330.

3 MARSHAL OF THE COURT: The International  
4 Military Tribunal for the Far East is now in session.5 THE PRESIDENT: Mr. Levin, we notice that  
6 according to this speech by MATSUOKA of the 7 October  
7 1940, speeches on the Tri-Partite Pact were delivered  
8 about that time by both Prince KONOYE and MATSUOKA.  
9 MATSUOKA's speech appears to have been on the day the  
10 Pact was signed and Prince KONOYE's on the following  
11 day. Those speeches may be in evidence already, but  
12 I do not think they are. If they are, what more do  
13 we want?

14 Brigadier Nolan.

15 BRIGADIER NOLAN: If the Tribunal please,  
16 the speech of Foreign Minister MATSUOKA on the 21  
17 January 1941, defense document 310, is an exhibit in  
18 the case, number 1300.19 MR. LEVIN: Mr. President, it seems to me  
20 as I recall, and I follow the record very carefully,  
21 that this address does not appear in the record. It  
22 is dated October 7, 1940, shortly after the Tri-Partite  
23 Pact was executed, and it seems to us that it is per-  
24 fectly proper to submit it in evidence even though  
25 Prince KONOYE's statement has already been introduced

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23 Pact was executed, and it seems to us that it is per-  
24 fectly proper to submit it in evidence even though  
25 Prince KONOYE's statement has already been introduced



1 in evidence.

2 THE PRESIDENT: Prince KONOYE's statement  
3 was made just before his death. It was not a speech.  
4 That is what is being admitted. Now in the document  
5 you are tendering and which you ask us to accept  
6 it appears that on the day the Tri-Partite Pact was  
7 made Prince KONOYE made a speech -- or on the day  
8 after -- and on the very day the Pact was made the  
9 Foreign Minister MATSUOKA made a speech. Those are  
10 the speeches we should have if we have any.

11 MR. LEVIN: I can't say with reference to  
12 the speech of the 28th of September. This is the one  
13 of October 7 and comes within ten days after the exe-  
14 cution of the Pact, and it seems to me it would be  
15 the one that would be most valuable in the consider-  
16 ation of this case.

17 THE PRESIDENT: There appears in the document  
18 now tendered -- I will read it -- "I believe that my  
19 speech broadcast on the evening of the same day," --  
20 that is the day the Pact was signed -- "and also the  
21 address broadcast by Prime Minister KONOYE on the 28th,  
22 the following day, have clearly given the outline of  
23 it," -- that is, of the Pact. Where are those two  
24 speeches?  
25

MR. LEVIN: The Prime Minister's speech, as

1 I understand it, is not in evidence but MATSUOKA's  
2 speech of the 27th is exhibit 777-A. I think that  
3 is the one concerning which there was considerable  
4 discussion about yesterday.

5 THE PRESIDENT: We were told yesterday that  
6 exhibit 777-A was not in evidence but tendered for  
7 identification.

8 MR. LEVIN: This particular document, if  
9 the Court please, is a more comprehensive speech than  
10 the others. It is a statement to the people of Japan  
11 and we believe is of great value.

12 THE PRESIDENT: That is the trouble. The  
13 speech that they made as soon as the Pact was signed  
14 would probably give their reasons. A speech made  
15 much later would probably be influenced by the way  
16 the Pact was received by the people of Japan; but we  
17 should have the speeches made on the day and the day  
18 after the Pact, those two speeches, that of Prince  
19 KONOYE and that of MATSUOKA.

20 MR. LEVIN: I am sure we will give that  
21 consideration, Mr. President, and if it is available  
22 we will produce it. I might say that during the noon  
23 hour we have edited this speech considerably and have  
24 deleted a very substantial portion of it, and if it  
25 is received I will indicate the portions that are to



be omitted.

1 THE PRESIDENT: You see, if we had those  
2 earlier speeches, we may decide that we had enough.

3 BRIGADIER NOLAN: May I be permitted to  
4 make a remark, Mr. President?

5 THE PRESIDENT: Yes.

6 BRIGADIER NOLAN: The radio broadcast of  
7 MATSUOKA is marked in the case as 777-A. I have sent  
8 for it to ascertain that it was delivered on the  
9 night of the 27th of September.

10 THE PRESIDENT: And is it in evidence?

11 BRIGADIER NOLAN: 777-A is marked as an  
12 exhibit in the case and is in evidence. It is a  
13 radio address by Mr. MATSUOKA dated the 27th of  
14 September, 1940, at 10:00 p.m.

15 THE PRESIDENT: The contrary was stated  
16 yesterday afternoon.

17 BRIGADIER NOLAN: What I said yesterday  
18 afternoon, Mr. President, was that 777, I assumed,  
19 had been marked for identification and that this was  
20 an excerpt from a book of radio addresses.

21 THE PRESIDENT: The contrary was not stated  
22 by you, Brigadier, but we were told to strike out  
23 the letter "A", that it was not in evidence.

24 BRIGADIER NOLAN: But I can assure you, sir,  
25

that this 777-A is an exhibit in the case.

1 THE PRESIDENT: Then we have Prince KONOYE's  
2 speech. Now what about MATSUOKA's speech on the same  
3 day?

4 MR. LEVIN: The exhibit which Brigadier  
5 Nolan showed us indicated two sentences that were  
6 marked and Mr. Cunningham is of the impression that  
7 those were the only parts of that which were read.  
8 It is my judgment, Mr. President, that as a matter of  
9 fact this address should be more valuable than the  
10 previous one because it was given a week, about ten  
11 days, after the first one and Mr. MATSUOKA undoubtedly  
12 had some time for reflection and probably included  
13 many things that he said at the other time. This  
14 was delivered to men who were very important in the  
15 government of Japan, of high standing and influence,  
16 and it would seem to be a very considered statement.  
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1 THE PRESIDENT: These speeches that come  
2 a long time after the event, and which may be colored  
3 by the reaction of the public in the meantime, are not  
4 the most reliable. As far as I am concerned, we want  
5 the speech delivered at the time if we can get it,  
6 and nothing else would be as reliable.

7 MR. LEVIN: Mr. President, we shall make  
8 every effort to get it and offer it in evidence.  
9 Nevertheless, we feel that this is this is the most  
10 important statement in the entire group and believe  
11 that it should be admitted in evidence as edited.

12 THE PRESIDENT: This morning we admitted this  
13 statement by KONOYE just before his death, not believ-  
14 ing or not knowing that he had made a speech on the  
15 very day of the pact, and that part of it at least was  
16 in evidence.

17 MR. LEVIN: Well, there is bound, Mr. Presi-  
18 dent, to be some overlapping. I do not think there  
19 has been too much.

20 THE PRESIDENT: Well, before we admit this  
21 document we should know how you have edited it, Mr.  
22 Levin.

23 MR. LEVIN: I intend to read page 1 to the  
24 bottom of the last paragraph; page 2, beginning with  
25 the word "however" on the 5th line down to the word

1 "goods" about the middle of the page. I then omit  
2 pages 3 to 8, and again read on page 8, beginning  
3 on the third line, about six lines, and read the next  
4 paragraph, omitting the balance of that page; be-  
5 ginning in the middle of page 9 and reading about  
6 half of that page; page 10, reading the second half  
7 of the page; reading page 11, the first part of  
8 page 12, a paragraph on page 13, the last paragraph  
9 on page 14, and page 15.

10 Mr. President, I would like to call the  
11 attention of the Tribunal to the fact that in the  
12 record at page 789 appears the excerpt from exhibit  
13 777-A, and General Vasiliev read only one sentence,  
14 or rather two sentences, or rather a paragraph of that  
15 exhibit.

16 THE PRESIDENT: According to the excerpt  
17 from exhibit 777-A now before us, that speech of the  
18 27th of September, 1940, was delivered by Prime  
19 Minister Fumimaro KONOYE and not MATSUOKA. But  
20 MATSUOKA said that he delivered a speech on the same  
21 day, he also. Where is MATSUOKA's speech of the 27th  
22 of September, 1940? We have his speech of January,  
23 1941, being exhibit 1300.

24 MR. LEVIN: Apparently exhibit 777-A is  
25 MATSUOKA's speech of September 27, 1940.



1 THE PRESIDENT: Well, I can only go on the  
2 documents handed to me. If others have been more  
3 fortunate I congratulate them. This is defense  
4 document 155. It is signed, "Prime Minister Prince  
5 Fumimaro KONOYE," and it is expressed to be an excerpt  
6 from prosecution document No. 777-A.

7 MR. LEVIN: I understand that this is part  
8 of the group of speeches in relation to the signing  
9 of the Tri-Partite Pact, and this is just one of them.  
10 The exhibit 777-A is prosecution document No. 823 and  
11 is defense document No. 155.

12 THE PRESIDENT: If you will give me a copy  
13 of MATSUOKA's speech of the 27th of September, 1940,  
14 I will have no complaint, but I have yet to see it.  
15 I have Prince KONOYE's speech of that day but no  
16 speech by MATSUOKA.

17 (Whereupon, a document was handed  
18 to the President.)

19 It appears there is tendered exhibit 777-A,  
20 radio address by MATSUOKA, dated 27 September 1940.  
21 If that is in evidence why do we want another speech  
22 of MATSUOKA?

23 MR. LEVIN: Mr. President, that exhibit in-  
24 dicates that the only portion that was read into the  
25 record was the portion that was marked on the

1 exhibit, and the page to which I called the attention  
 2 of the Tribunal a moment ago, that was read by General  
 3 Vasiliev.

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 2 of the Tribunal a moment ago, that was read by General  
 3 Vasiliev.

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1 THE PRESIDENT: Read the balance of the  
2 speech into the record if it helps you, Mr. Levin.  
3 But, why give us an entirely different speech ten  
4 days later?

5 MR. LEVIN: It is our judgment, Mr. President,  
6 that the address by MATSUOKA to the Governors was  
7 a much more comprehensive and better address. How-  
8 ever, if it is the desire of the Tribunal that I  
9 shall read this entire document, 777-A, I shall be  
10 very happy to do it.

11 THE PRESIDENT: The prosecution appear  
12 to have read only about half a paragraph of a fairly  
13 lengthy speech. On a matter of such great importance  
14 I think we would like to hear you, if you think the  
15 balance of the speech helps you. Having heard his  
16 first speech, before he knew the reaction of the  
17 Japanese public, perhaps we will think it would be  
18 more reliable than one made ten days later.

19 MR. LEVIN: (Reading)

20 "Radio address by Mr. Yosuke MATSUOKA,  
21 Minister for Foreign Affairs

22 "September 27, 1940

23 "Today on the occasion of the conclusion  
24 of the Three-Power Pact between Japan, Germany and  
25 Italy, an Imperial Rescript -- I am profoundly moved



1 to say -- has been issued to the nation. What we,  
2 His Majesty's subjects, should do has been plainly  
3 indicated by the Prime Minister in his message.  
4 I sincerely believe that it is incumbent upon all  
5 of us to lay to heart the august will of our Sovereign  
6 and put forth our best efforts in order to surmount  
7 the current emergency.

8 "Our country is now faced with a most  
9 difficult situation, unparalleled in its history.  
10 What step we should take at this moment is a grave  
11 problem upon which hangs the fate of our nation.  
12 The Government, keenly conscious of the gravity of  
13 its responsibilities, is seeing to it that nothing  
14 shall come amiss.

15 "The objective of Japan's foreign policy  
16 is no other than to dispose of the China Affair,  
17 to construct a sphere of common prosperity in  
18 Greater East Asia and to contribute thereby to the  
19 establishment of true peace for the entire world.  
20 But when we look at the actual international situation,  
21 we find that this intention of Japan is not yet fully  
22 understood. There are countries which have the  
23 mistaken idea that peace means the mere maintenance  
24 of the old order, or those which, while realizing  
25 the inevitability of change, are reluctant to part

1 with the old order. Moreover, there are countries  
2 which attempt to obstruct directly or indirectly,  
3 our construction of a new order in Greater East  
4 Asia, and even those who resort to all sorts of  
5 stratagem in order to block the path of Japan's  
6 advance toward the fulfillment of her great historic  
7 mission--that of establishing world peace. The Japanese  
8 Government has assiduously striven to remedy this  
9 regrettable state of affairs. Nevertheless, I  
10 regret to say that the situation has not only failed  
11 to improve, but it has even shown signs of aggravation  
12 in certain quarters.

13 "Circumstances have now brought Japan to  
14 the point where she can no longer permit the international  
15 situation to drift as it will. At this juncture,  
16 there is only one course for Japan to take. That  
17 is to say, internally we should stand resolutely  
18 together--one hundred million people as one--by  
19 establishing speedily the new state structure for  
20 national defense; and externally, we should first  
21 unite with Germany and Italy which have the same  
22 aspirations and policy as ours and later with those  
23 Powers who can cooperate with us. We should thus  
24 go fearlessly forward to carry out our conviction,  
25 calling at the same time upon those Powers that



1 obstruct us to reconsider their attitude. In such  
2 manner, the Government expects to achieve the ultimate  
3 aim of our Yamato race--namely, the establishment  
4 of a new order in East Asia.

5 "Accordingly, we have conducted negotiation  
6 with the representatives of Germany and Italy,  
7 which have resulted in the conclusion of the Three-  
8 Power Pact, made public just a short while ago.

9 "The establishment of this historic relation-  
10 ship of alliance between the three countries, is,  
11 of course, due to the wisdom of our gracious Sovereign.  
12 At the same time it owes much to the judgment and  
13 decision of the eminent leaders of Germany and Italy--  
14 Chancellor Hitler and Premier Mussolini. Again,  
15 the German Foreign Minister, Mr. von Ribbentrop,  
16 has earnestly made efforts for German-Japanese  
17 cooperation from the very day he assumed his present  
18 post, while the Italian Foreign Minister, Count  
19 Ciano, having been once stationed in East Asia, and  
20 understanding fully Japan's position in East Asia,  
21 has ceaselessly laboured for the promotion of  
22 Italo-Japanese firendship. Needless to say, these  
23 two foreign ministers have played important roles  
24 in the conclusion of the present pact.

25 "The pact provides that Japan, Germany and

1 Italy shall cooperate freely with one another toward  
2 the construction of a new order, respectively in  
3 Greater East Asia and in the regions of Europe,  
4 in which these Powers are at present engaged. It  
5 also provides that if any one of the Contracting  
6 Parties should be attacked by an outside Power, at  
7 present not involved in the European War or in the  
8 China Affair, the three Contracting Powers shall  
9 render mutual assistance with all possible means,  
10 political, economic and military. Accordingly, it  
11 does not mean that because of this pact Japan is  
12 to enter the European War at present, nor that she  
13 intends to challenge any Power without provocation.  
14 It may be added also that the present treaty will  
15 not affect in any way the existing political status  
16 between Japan, Germany and Italy on the one hand  
17 and Soviet Russia on the other.

18 "The treaty also provides that Germany and  
19 Italy recognize Japan's position of leadership in  
20 regard to the construction of a new order in Greater  
21 East Asia. We in turn recognize the leadership of  
22 Germany and Italy in the European regions where they  
23 are now engaged in the establishment of a new order,  
24 staking even their national existence in the under-  
25 taking. And thus the Three Powers are to join forces



1 and help one another to the utmost.

2 "With the conclusion of this treaty, Japan's  
3 responsibilities as leader of the new order in  
4 Greater East Asia becomes even greater than before.  
5 Although it is the intention of the Japanese Govern-  
6 ment to fulfill these responsibilities always by  
7 peaceful means, there is no telling whether there  
8 might not arise occasions and circumstances calling  
9 for a momentous decision on the part of our nation.  
10 Our future is beset with countless obstacles and  
11 difficulties, which, it must be fully realized, no  
12 ordinary effort will be sufficient to surmount.  
13 Our Government and people, united as one and grasp-  
14 ing fully the situation both at home and abroad,  
15 should be prepared to endure all hardship and all  
16 sacrifices, and redouble their efforts so as to  
17 conform to the august will of our Sovereign."  
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1 . Now I would like to offer defense  
2 document 837, as I have indicated, with the editing  
3 and deletion that has been accomplished.

4 THE PRESIDENT: By a majority the Court  
5 overrules the objection and admits the document.

6 CLERK OF THE COURT: Document 837 will re-  
7 ceive exhibit No. 2740.

8 (Thereupon, the document above referred  
9 to was marked defense exhibit 2740 and received  
10 in evidence.)

11 MR. LEVIN (reading): "On September 27, the  
12 Tri-partite Pact was concluded between Japan, Ger-  
13 many and Italy, and on the same day His Majesty the  
14 Emperor was pleased to issue a gracious Imperial  
15 Message indicating the direction which our people should  
16 follow concerning this historic event, and we, the  
17 subjects of Imperial Japan, are filled with trepida-  
18 tion. We who are in government service should, observ-  
19 ing faithfully this Imperial command, be the first to  
20 sacrifice ourselves to materialize it. With regard to  
21 how to interpret this command, I believe that my speech  
22 broadcast on the evening of the same day, and also the  
23 address broadcast by Prime Minister KONOYE on the 28th,  
24 the following day, have clearly given the outline of  
25 it, and I am afraid it is hardly necessary for me here



1 again to talk about it.

2 "I believe, however, that in order to under-  
3 stand this Pact correctly, it is necessary to apprec-  
4 iate the international atmosphere in which this Pact  
5 was formed. For your information, therefore, I will  
6 briefly explain in what international atmosphere, and  
7 through what course, our country reached this conclu-  
8 sion."

9 THE PRESIDENT: Even MATSUOKA thought it  
10 wasn't worth while to say anything more about it.

11 MR. LEVIN: I now proceed to page 2, begin-  
12 ning with the fifth line.

13 THE PRESIDENT: Brigadier Nolan.

14 BRIGADIER NOLAN: If it please the Tribunal,  
15 as I understand the ruling of the Tribunal, the docu-  
16 ment itself was admitted in evidence, the whole of it.

17 THE PRESIDENT: Only the parts that Mr. Levin  
18 indicated, and he went through the document and indica-  
19 ted the parts he did not propose to read.

20 BRIGADIER NOLAN: May I, then, have permission  
21 to draw the attention of the Tribunal to one or two  
22 passages after Mr. Levin has completed his reading?

23 MR. LEVIN: I think, Mr. President, we dis-  
24 cussed the matter very fully. The Court considered it  
25 and decided the matter and there should be no further  
discussion in relation to it.

1 THE PRESIDENT: We receive it only so far as  
2 it states the reasons for the Pact.

3 MR. LEVIN (reading continued): "However, when  
4 we think of the present situation of our country from  
5 the standpoint of our foreign policy, we are confron-  
6 ted with the huge problems of how we should support  
7 our ever-increasing population and how we should in-  
8 crease our national wealth, which is remarkably meagre  
9 compared with that of the two great western nations,  
10 Great Britain and the United States of America. In  
11 order to get a solution for these problems, our Govern-  
12 ment has long been striving for overseas expansion of  
13 our people by means of foreign trade, emigration,  
14 overseas enterprises, etc. However, several nations  
15 both in Europe and America have been and are inter-  
16 ferring with our overseas development, using such  
17 measures as prohibiting or restricting Japanese emi-  
18 grants, imposing heavy customs duties on Japanese  
19 goods, etc."

20 I turn to page 8, beginning with the first  
21 sentence on that page:

22 "However, the governments of Great Britain  
23 and the United States have made various protests against  
24 our Government because they probably misunderstood  
25 that Japan was going to occupy French-Indo China by



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19 goods, etc."

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21 sentence on that page:

22 "However, the governments of Great Britain  
23 and the United States have made various protests against  
24 our Government because they probably misunderstood  
25 that Japan was going to occupy French-Indo China by

1 force of arms. But it is clear, as the joint state-  
2 ment of Japan and France shows, that we respect the  
3 territorial integrity of French-Indo China, and have  
4 no intention of occupying that territory."

5 I go to the second to the last paragraph on  
6 the same page:

7 "It goes without saying that our country has  
8 absolutely no intention of purposely fighting with  
9 any other country, but at the same time we reject  
10 and are determined to fight to the end with any nation  
11 which tries to stand by Chiang Kai-shek, and thus pro-  
12 tract the China Incident, and prevent East Asia from  
13 restoring to peace."

14 On page 9, the last paragraph:

15 "This Tripartite Pact is indeed a treaty  
16 effected under such circumstances and essentially  
17 defensive in its nature. Negatively the Pact aims at  
18 checking the aggravation of the world chaos which might  
19 be accelerated by the new participation of any country  
20 either in the China Incident or in the European War,  
21 while, positively, it aims at establishing a new order  
22 which enables each nation in the world to live in con-  
23 tentment and peace, and at bringing about permanent  
24 peace on the basis of justice and impartiality through  
25 the cooperation of the three powers -- Japan, Germany



1 and Italy. The fact is that the lofty spirit of so-  
2 called "HAKKOICHIU" (the world as one household), in  
3 other words, this great ideal of the "YAMATO" race  
4 (Japanese) manifested in the Rescript of Emperor  
5 JIMMU at the foundation of our country, has for the  
6 first time been given shape in the modern international  
7 treaty. It is really a sincere desire of mankind and  
8 also a Providence, I believe, for the three peoples of  
9 Japan, Germany, and Italy to unite firmly into one  
10 under this great ideal and lofty spirit in the face  
11 of the unprecedented chaotic crisis that the world has  
12 ever had."

13           The last two paragraphs on page 10:

14           "On the other hand, I am not yet in a position  
15 to tell you concretely what response has the conclu-  
16 sion of the Tripartite Pact created, or is going to  
17 create among the powers. It is certain, however, that  
18 the great strength of the Tripartite Pact has given  
19 such a deep impression upon the powers that some of them  
20 are taking strong attitude in desperation toward us,  
21 and we should always look out for it. At the same time,  
22 it seems that a reflective view of what made Japan,  
23 Germany and Italy effect such a pact is gradually gain-  
24 ing ground. At any rate, we should always make prepara-  
25 tions in anticipation of the worst situation.

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2 called "HAKKOICHIU" (the world as one household), in  
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5 JIMMU at the foundation of our country, has for the  
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22 it seems that a reflective view of what made Japan,  
23 Germany and Italy effect such a pact is gradually gain-  
24 ing ground. At any rate, we should always make prepara-  
25 tions in anticipation of the worst situation.



1 "In the Imperial Rescript promulgated when  
2 Japan withdrew from the League of Nations, His Majes-  
3 ty the Emperor specially declared: 'However, the  
4 advancement of international peace is what, as ever-  
5 more, we desire, and Our attitude toward enterprises of  
6 peace shall sustain no change. By quitting the League  
7 and embarking on a course of its own, Our Empire does  
8 not mean that it will stand aloof in the extreme Orient  
9 nor that it will isolate itself thereby from the fra-  
10 ternity of nations. It is Our desire to promote mutual  
11 confidence between Our Empire and all the other Powers  
12 and to make known the justice of its cause throughout  
13 the world.' Furthermore, in the Imperial Rescript  
14 issued when the present alliance was concluded, His  
15 Majesty the Emperor said at the outset: 'It is a great  
16 instruction of Our Imperial Ancestors which We always  
17 observe faithfully to uphold the cause of justice and  
18 humanity throughout the world and to change the uni-  
19 verse into one household.' In conformity with this  
20 Imperial will, we should more positively exert our-  
21 selves to improve our diplomatic relations with other  
22 nations, and to bring about true peace all over the  
23 world. However, we are living in an unprecedented  
24 turbulent age and are unable to tell what accident will  
25 further happen, when, and where. And jealousy and

1 suspicion are commonly associated with the age of wars.  
2 For example, when we declare that we intend to establish  
3 the Greater East Asia Co-prosperity Sphere, some states  
4 are apt to doubt if Japan, monopolizing the Greater  
5 East Asia including the South Seas, is going to shut  
6 out other powers from the area and to deny their right-  
7 ful actions therein. This is not true. The object  
8 thereof is to do away with all the improper conducts  
9 and measures which the western powers have hitherto  
10 practised as well as all the unnatural restrictions  
11 imposed by them upon the rightful actions of human  
12 beings in the field of their economic activities such  
13 as commerce, enterprise, communications, traffic and  
14 the like in the Greater East Asia Co-prosperity Sphere.  
15 And our country also wishes to act on the same equal  
16 basis with the other powers, in order to promote the  
17 prosperity and stabilization of all the races in the  
18 Greater East Asia Sphere, so that they may walk along  
19 the path of mutual tolerance and welfare with the  
20 prerequisite condition of freedom to cut and decide  
21 their own respective way to Fortune.

22 "In short, Japan, unlike the practice hither-  
23 to committed by the western powers, neither intends to  
24 swallow up any territories nor conquer, nor exploit any  
25 people in this sphere. On the contrary, Japan wants



1 to free the natives from the imperialistic oppressions,  
2 to love them as brothers and sisters instead of treat-  
3 ing them as slaves, and to establish a relation of  
4 mutual existence and prosperity."

5 I proceed to page 13, the second paragraph:

6 "The relations between our country and the  
7 Soviet Union, heretofore, have not been friendly for  
8 various reasons, but I believe that at this critical  
9 moment which might be called the time of a world revo-  
10 lution, both countries should not quarrel with each  
11 other at the corner of East Asia. I believe that the  
12 time has now come when, if there is any misunderstand-  
13 ing or if there are any pending problems between the  
14 two countries, we should now try to remove or settle  
15 them and should cooperate for a greater mission. In  
16 the Soviet Union they are repeatedly saying that they  
17 won't pick up chestnuts in the fire for any other  
18 state. This to the same with every nation."

19 I proceed to page 14, the middle of the page:

20 "The last point I should like to touch upon  
21 on this pact is the fact that although it has been  
22 effected, it does not necessarily mean that Japan will  
23 take part in the European War, or will immediately  
24 make an enemy of any power other than Germany and Italy.  
25 So long as the powers which have not yet participated

1 attack any of the three Countries--Japan, Germany and  
2 Italy, nor disturb our plan of the Greater East Asia  
3 Co-prosperity Sphere, our country is willing to be in  
4 friendly terms with them and to share in the godsend  
5 benefits. It goes without saying that we have no in-  
6 tention of breeding unnecessary troubles with them.  
7 Therefore we should strictly refrain from raising any  
8 rash anti-foreign agitation without any justifiable  
9 reasons.

10 "By the way, as there are instances in which  
11 a trivial matter resulting in a grave consequence or  
12 effect, I should like to add a few more words in this  
13 connection. I dare say it is not infrequent that the  
14 attitude of our policemen in charge of foreign nationals  
15 is apt to be unnecessarily irritating toward them.  
16 To be frank with you, this state of affair has so far  
17 turned out to be unfavorable to our country in dealing  
18 with international problems.

19 "We are in a period of emergency today and  
20 it may be more difficult, I am sure, to deal with this  
21 affair than in normal times, but for the very reason  
22 that this is an emergency, I hope you will be all the  
23 more prudent about this matter. I should like to ask  
24 you to stop, as far as possible, any interference or  
25 supervision which is apparently not in line with our



1 common sense. At the same time, I should like to ask  
2 you to instruct our people to be magnanimous worthy  
3 of a great nation in advancing toward our great aim.  
4 I believe that the pact which has been concluded this  
5 time shows this direction very clearly. I am now  
6 feeling that the dark clouds and fog that had long  
7 been hanging low before us since the outbreak of the  
8 China Incident have now been swept away, and we can  
9 now see a bright future full of hope, though the way  
10 to it may be very difficult and steep. I earnestly  
11 hope and am counting on you that you officials will  
12 make our people understand well what I have said today  
13 and at this critical moment when the destiny of the  
14 "YAMATO" race, (Japanese) nay, of the entire human  
15 beings of the world may be determined, you will render  
16 your service to our country together with our whole  
17 100,000,000 people united as one body."

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1 MR. CUNNINGHAM: If the Court please, the fourth  
2 document of the series, defense document 1072, is  
3 offered in evidence. This is Premier KONOYE's address  
4 in the 76th session of the Diet on the 21st of January,  
5 1941, which explains the peaceful purposes of the Pact  
6 as the period of time went on. I might suggest that  
7 the prosecution has intimated in their proof that the  
8 Pact was improperly implemented as time went on and  
9 this is one of the documents which shows that the peace-  
10 ful purposes of the Pact were maintained.

11 THE PRESIDENT: Brigadier Nolan.

12 BRIGADIER NOLAN: May it please the Tribunal,  
13 we object to the document. The only reference I can  
14 find in it to the Tri-Partite Pact is to be found on  
15 page 2 where it says quite briefly that "The purport  
16 of the recently concluded Japan-German-Italian Tri-  
17 partite Treaty was clarified in the Imperial Rescript  
18 issued at that time." The rest of the document con-  
19 sists of a threat to destroy those who resist Japan and  
20 a call for resolution to establish a new order in  
21 Greater East Asia. It deals with education and the  
22 productive power of the nation and a low price policy  
23 law.

24 THE PRESIDENT: I don't suppose you object as  
25 far as regards that sentence you read and the following



1 sentence.

2 BRIGADIER NOLAN: No, I don't object to it,  
3 sir.

4 THE PRESIDENT: In exhibit 1300 the prosecution  
5 used a speech on the Pact as late as January, 1941 --  
6 MATSUOKA's. A colleague reminds me of that, and it is  
7 relevant, too.

8 BRIGADIER NOLAN: But of course, your Honor,  
9 we submit that there is a vast difference between the  
10 purposes for which we may need evidence for a prosecu-  
11 tion and the nature of an evidence which may be admitted  
12 by the defense in exculpation of the charges against  
13 them.

14 THE PRESIDENT: You tender part of the reasons  
15 of those who know; they tender the balance. Why  
16 shouldn't they?

17 BRIGADIER NOLAN: We tender them to show that  
18 a speech was made at that time by an individual who  
19 made certain remarks. The defense produced these docu-  
20 ments, as I understand it, for the purpose of establish-  
21 ing as a fact those matters which are referred to in  
22 the speeches themselves.

23 But the Tribunal has ruled in respect of the  
24 last document that it desires to hear what was said  
25 in respect of the reasons for entering into this Pact.

1 In view of that ruling, I cannot and do not object to  
2 the references to the Pact contained in this document  
3 of which I can only find one.

4 MR. CUNNINGHAM: That is all I care to read,  
5 your Honor. I only want to show that he said the same  
6 thing one time that he said another time. And I only  
7 want to go from "Our country" on page 1 to "vigorous  
8 efforts" on page 2.

9 THE PRESIDENT: No, the only two that Brigadier  
10 Nolan doesn't object to -- the only two sentences are  
11 those that I referred to. They are the first two  
12 sentences in the third paragraph on page 2.

13 MR. CUNNINGHAM: Well, I can't find that, but  
14 all I want to do is to read those three paragraphs or  
15 so from "Our country" down to "vigorous efforts", and  
16 they concern the Tri-Partite Pact. Or I might go on  
17 page 2 from "The purport of the recently concluded"  
18 Pact down to "vigorous efforts" at the end of that para-  
19 graph.

20 THE PRESIDENT: Only the first two sentences  
21 relate to the Pact as far as I can judge.

22 MR. CUNNINGHAM: Well, I will cut it down to  
23 the first two sentences of that paragraph.

24 THE PRESIDENT: The document is admitted to  
25 that extent on the usual terms.



1 CLERK OF THE COURT: Defense document 1072  
2 will receive exhibit No. 2741.

3 ("hereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 2741 and received in evidence.)  
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1 MR. CUNNINGHAM: I read from exhibit 2741,  
2 page 2, middle of the page:

3 "The purport of the recently concluded Japan-  
4 German-Italian Tri-Partite Treaty was clarified in the  
5 Imperial Rescript issued at that time. With the con-  
6 clusion of this treaty, Japan aims to maintain world  
7 peace and advance towards the high aim of stabilization  
8 of Greater East Asia. Needless to say --"

9 THE PRESIDENT: That is enough. That is all  
10 that is admitted.

11 MR. CUNNINGHAM: "We do not want any more  
12 war --"

13 THE PRESIDENT: The reporter will not report  
14 any more.

15 MR. CUNNINGHAM: I suggest that that last  
16 sentence be stricken from the record, eliminated from  
17 the part allowed. I am sorry about that.

18 THE PRESIDENT: I anticipated you, Mr.  
19 Cunningham.

20 MR. CUNNINGHAM: For the same purpose, I  
21 call the Court's attention to prosecution exhibit 558,  
22 transcript pages 6412 to 6417, the broadcast of ITO,  
23 Nobumi on the 26th of September, 1941, showing the  
24 peaceful nature of the Tri-Partite Pact, referring  
25 particularly to the bottom of page 2 and the first



1 paragraph on page 2.

2 I now offer in evidence defense document No.  
3 312, address of Foreign Minister TOYODA on the first  
4 anniversary of the conclusion of the Tri-Partite Pact,  
5 to show that despite the change of Japanese Cabinet  
6 Foreign Minister TOYODA considered the Pact as the  
7 basis of Japanese diplomacy in the understanding that  
8 the mission of the Pact was to establish peace and to  
9 prevent the extension of the hostilities and dispute.

10 THE PRESIDENT: Brigadier Nolan.

11 BRIGADIER NOLAN: May it please the Tribunal,  
12 this speech makes three points. The first one is that  
13 Hungary and Rumania have joined the pact. That has  
14 already been proved in this case.

15 The second point raised is that difficulties  
16 will arise from time to time and must be met. That is  
17 mere conjecture.

18 The third point that the speaker made was  
19 that the pact has prevented the spread of hostilities.  
20 That is a matter of opinion.

21 We submit that this document is of no assist-  
22 ance to the Tribunal and should be rejected.

23 THE PRESIDENT: We will hear you after the  
24 recess, Mr. Cunningham.

25 We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was  
 taken until 1500, after which the proceed-  
 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Cunningham.

4 MR. CUNNINGHAM: If the Tribunal please,  
5 all that I am interested in in this document 312 is  
6 page 2, the first four lines of the paragraph.

7 THE PRESIDENT: He was the Foreign Minister  
8 of the day?

9 MR. CUNNINGHAM: Yes, sir.

10 THE PRESIDENT: And this speech was made on  
11 the day -- a year later, was it?

12 MR. CUNNINGHAM: Anniversary, yes, sir.

13 THE PRESIDENT: By a majority, the objection  
14 is overruled and the document admitted to the extent of  
15 those four lines referred to by Mr. Cunningham.

16 CLERK OF THE COURT: Defense document 312  
17 will receive exhibit No. 2742.

18 (Whereupon, the document above  
19 referred to was marked defense exhibit  
20 No. 2742 and received in evidence.)

21 MR. CUNNINGHAM: I read on page 2 of  
22 exhibit 2742, the address of Foreign Minister TOYODA.

23 "Thirdly, the Three-Power Pact has a lofty  
24 mission of preventing the extension of the dispute as  
25 well as the spread of hostilities as far as possible.

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MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Mr. Cunningham.

MR. CUNNINGHAM: If the Tribunal please, all that I am interested in in this document 312 is page 2, the first four lines of the paragraph.

THE PRESIDENT: He was the Foreign Minister of the day?

MR. CUNNINGHAM: Yes, sir.

THE PRESIDENT: And this speech was made on the day -- a year later, was it?

MR. CUNNINGHAM: Anniversary, yes, sir.

THE PRESIDENT: By a majority, the objection is overruled and the document admitted to the extent of those four lines referred to by Mr. Cunningham.

CLERK OF THE COURT: Defense document 312 will receive exhibit No. 2742.

(Whereupon, the document above referred to was marked defense exhibit No. 2742 and received in evidence.)

MR. CUNNINGHAM: I read on page 2 of exhibit 2742, the address of Foreign Minister TOYODA.

"Thirdly, the Three-Power Pact has a lofty mission of preventing the extension of the dispute as well as the spread of hostilities as far as possible.



1 I have no doubt that in the past year the pact has  
2 also accomplished a great deal in this respect."

3 THE PRESIDENT: Have you any more documents  
4 of this nature?

5 MR. CUNNINGHAM: Just one more, as I under-  
6 stand.

7 I now offer in evidence defense document  
8 311, the address of Foreign Minister TOGO on the  
9 extraordinary session of the Diet of the 17th of Nov-  
10 ember, 1941, and read only the part of it which  
11 concerns the Tri-Partite Pact, to show that Foreign  
12 Minister TOGO, as the second foreign minister after  
13 MATSUOKA, also respected and considered the Tri-  
14 Partite Pact as the instrument of peace.

15 I only want to read pages 1 and 2 which  
16 concern the Tri-Partite Pact.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 311  
19 will receive exhibit No. 2743.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 2743 and received in evidence.)

23 MR. CUNNINGHAM: I read from exhibit 2743,  
24 the address of the Foreign Minister, Mr. Shigenori  
25 TOGO, delivered at the extraordinary session of the

Diet, November 17, 1941.

1 "With the heavy responsibilities for the  
2 conduct of foreign affairs having unexpectedly de-  
3 volved upon me--"

4 THE PRESIDENT: We haven't our copies yet.

5 MR. CUNNINGHAM: Oh, I am sorry.

6 THE PRESIDENT: But you are reading only  
7 part of this, aren't you?

8 MR. CUNNINGHAM: Yes, sir.

9 THE PRESIDENT: That is the only part admitted.

10 MR. CUNNINGHAM: The first two pages, down  
11 to "...spread of the war," the middle of page 2.

12 Starting again:

13 "With the heavy responsibilities for the  
14 conduct of foreign affairs having unexpectedly devolved  
15 upon me it is a great pleasure for me to avail myself  
16 of this opportunity today of speaking on the foreign  
17 policy of the Imperial Government.

18 "Japan, engaged for the past four years in  
19 military operations for the construction of a new order  
20 in East Asia, is now marching forward to surmount  
21 current difficulties with the unity of the entire  
22 nation. First of all, I wish good fortune and success  
23 to the officers and men of our gallant fighting ser-  
24 vices who are distinguishing themselves on the front  
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1 under the August Virtue of His Imperial Majesty, paying,  
2 at the same time, my humble and sincere tribute to  
3 the honoured spirits of many who have fallen.

4 "It needs no reiteration that the fundamental  
5 principle of Japan's foreign policy aims at the  
6 establishment of peace in East Asia based on justice,  
7 thereby contributing toward the promotion of general  
8 welfare of mankind. It is nothing other than the fruit  
9 of the constant efforts exerted in espousal of this  
10 great principle that our country has witnessed an  
11 unceasing development of her national fortune since the  
12 Meiji Restoration. It may be recalled that in the  
13 past seventy and odd years Japan has, on more than one  
14 occasion, successfully overcome national crises.  
15 Especially noteworthy is the Russo-Japanese War, in  
16 which Japan staked her national existence in order to  
17 eliminate an obstacle to the peace of East Asia. She  
18 has since been advancing her position as the stabilizing  
19 force in East Asia, and is now endeavouring with  
20 unflinching courage to accomplish the great task of  
21 inaugurating toward the peace of the world.  
22

23 "Fortunately, Germany and Italy having similar  
24 views with Japan, the Three-Power Pact was brought  
25 into being. In a little more than a year of its  
existence, as is well known, the pact has made, as

1 intended, a great contribution toward the construction  
2 of new order in East Asia and Europe, as well as to-  
3 ward the prevention of the spread of the war."

4 The following third group of witnesses and  
5 documents will show that the motives of the Japanese  
6 Government in concluding the Tri-Partite Pact on  
7 27 September 1940 and the purpose of that pact as  
8 interpreted by the Japanese Government were peaceful  
9 and purely defensive, and Germany also assured Japan  
10 of her peaceful intention during the negotiations for  
11 the pact. It will further be shown that the Tri-Partite  
12 Pact is entirely different from the abortive treaty  
13 negotiated in 1938 and 1939 by the HIRANUMA Cabinet.

14 I first call -- skipping down to the middle  
15 of the page of the introduction -- I first call Witness  
16 Heinrich Stahmer, former ambassador of Germany to  
17 Japan, who could be considered as one of the best living  
18 authorities on Japanese-German relations.

19 THE PRESIDENT: It is not within the province  
20 of counsel to give certificates of quality to witnesses.  
21 After hearing this witness, we will tell you what we  
22 think of him if necessary. He may or may not prove to  
23 be what you say. You do not know yet, nor do we.  
24  
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1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, I want  
3 to refer again to the fact that the rule of the Tribunal  
4 has not been complied with with regard to service of  
5 the affidavit of this witness within the prescribed  
6 time.

7 THE PRESIDENT: Has there been a substantial  
8 compliance?

9 MR. TAVENNER: The affidavit was served at five  
10 minutes until 5 o'clock yesterday afternoon -- five  
11 minutes before 5. Notwithstanding the fact that it  
12 has been stated that this affidavit was prepared about  
13 five days ago, it had not been served upon us until  
14 as late as it seemed that it could be possible to serve  
15 it.

16 I made an investigation of the situation  
17 described yesterday and I find that the document was  
18 not tendered to the prosecution section, and I find that  
19 both from our own representatives in that section as  
20 well as from those whose duty it was to deliver it  
21 there.

22 THE PRESIDENT: If the delivery was a little  
23 late perhaps it was due to temporary disorganization,  
24 and without committing yourself to the future you might  
25 overlook it, Mr. Tavenner.

1 MR. TAVENNER: We overlooked it, of course, on  
many occasions.

2 THE PRESIDENT: We are trying to save time.  
3 We have had the affidavit for three days, of  
4 course. I mentioned yesterday the rule was complied  
5 with with regard to the Judges.

6 MR. TAVENNER: Yes, sir. But, unfortunately,  
7 that does not help us.

8 THE PRESIDENT: Well, are you insisting on  
9 your objection? If you do, we sustain it.

10 MR. TAVENNER: The suggestion has been made  
11 that we have only the direct examination today. If  
12 that is true, I don't object to that, of course.

13 THE PRESIDENT: It will take until 4 o'clock  
14 to read this. We won't take any cross-examination  
15 today, or permit any further questioning.

16 MR. CUNNINGHAM: Well, your Honor, I am just  
17 as sorry as I can be that these documents didn't get  
18 out. It required a lot of wear and tear on my disposi-  
19 tion to get them delivered yesterday afternoon.

20 THE PRESIDENT: Well, I understand my col-  
21 leagues want a fuller explanation.

22 MR. CUNNINGHAM: I went to the document sec-  
23 tion yesterday afternoon to determine why the document  
24 had not been delivered when the American copies were  
25



1 completed three or four or five days ago. They told  
2 me that they were not permitted to deliver the English  
3 copy until the Japanese copy was ready, and that they  
4 would not do it. With a little persuasion I was able  
5 to convince them that that rule should be waived in  
6 regard to this affidavit, and the English copies were  
7 delivered to the prosecution yesterday.

8 It was just due to a slight delay in the  
9 translation from English to Japanese, as I understand  
10 it.

11 THE PRESIDENT: Proceed.  
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1 H E I N R I C H S T A H M E R, called as a witness  
2 on behalf of the defense, being first duly  
3 sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. CUNNINGHAM:

6 Q Will you state your full name and present  
7 address, please?

8 A My name is Heinrich Stahmer. I am living in  
9 Atami, Mampei Hotel.

10 Q Now, I will ask the marshal to hand you  
11 defense document 1675 and ask you to state if that is  
12 your affidavit.

13 A Yes, that is my affidavit.

14 Q I will ask you to state if the contents thereof  
15 are true and correct as you verily believe?

16 MR. CUNNINGHAM: I offer in evidence defense  
17 document 1675, the affidavit of--

18 THE PRESIDENT: He didn't answer.

19 MR. CUNNINGHAM: (Continuing) Heinrich  
20 Stahmer.

21 THE PRESIDENT: I didn't hear him answer if the  
22 affidavit was true.

23 Q I ask you to state if this affidavit is true.

24 A Yes, sir, it is true.

25 THE PRESIDENT: Mr. Tavenner.



1 MR. TAVENNER: If it please the Tribunal, I  
2 desire to object to the introduction of large portions  
3 of this affidavit.

4 I object to the entire section marked with  
5 the Roman numeral I in that it is irrelevant and imma-  
6 terial.

7 THE PRESIDENT: Well, you can't mean all that.  
8 You see the heading is misleading. Under the "Back-  
9 ground" he includes his name and the form of oath and  
10 his address.

11 MR. TAVENNER: And, of course, that is also  
12 true as to his former position.

13 THE PRESIDENT: However, we understand what  
14 you mean.

15 MR. TAVENNER: Yes. I should have confined  
16 my objection to the last three paragraphs on the first  
17 page and to the three paragraphs on the top of page 2.

18 Objection is also made to the last two para-  
19 graphs on page 2. What it was usual to do in regard  
20 to employment of liaison persons is certainly not  
21 proper evidence.

22 THE PRESIDENT: Do you object to the whole  
23 of Section 2?

24 MR. TAVENNER: I do not object to the first  
25 paragraph in that that relates to the relationships

between Ribbentrop and OSHIMA.

1 I do object, however, to the last paragraph  
2 under that Section 2 which appears at the top of page  
3 3.  
4

5 Under Article 3 on page 3 I object to the  
6 second paragraph in which the affiant endeavors to  
7 state what the negotiating powers had in mind in 1938  
8 and 1939, on the ground that such statements are an  
9 invasion of the province of the Tribunal.

10 Objection is also made to the following  
11 paragraph as being irrelevant and immaterial.

12 The next paragraph, beginning with the words  
13 "The negotiations progressed" and so forth, is objected  
14 to in that it refers to a rough draft of an agreement  
15 which the affiant attempts to describe, and which is  
16 not produced or the absence of which is not accounted  
17 for.

18 Objection is also made to the latter part  
19 of the following paragraph, which is the last para-  
20 graph on page 3, beginning with the sentence "A  
21 deadlock developed over the interpretation of Article  
22 III . . ." This is evidently the same agreement  
23 referred to in the preceding paragraph and which has  
24 not been produced.  
25



STAHRMER

DIRECT

GREENBERG &amp; REICHERS

1 On page 4, in the middle of the second par-  
2 agraph we find a sentence which says: "In May 1939  
3 the Japanese Prime Minister HARANUMA," and so forth.  
4 The document describing that message is in evidence  
5 and has been read in its entirety, and we consider  
6 it is improper for the witness to attempt to describe  
7 it.

8 The following paragraph deals with the same  
9 subject matter and is objected to for the same reason.

10 The next paragraph, which is the second from  
11 the bottom of page 4, refers to the duty of an ambass-  
12 adior, "generally, and is objected to as being irrelevant  
13 and immaterial.

14 At the very bottom of page 4, beginning at  
15 the middle of the sentence, "However, when Ambassador  
16 Ott asked for information," and so forth, it has ref-  
17 erence to a telegram which is not produced in evidence  
18 and the absence of which is not accounted for, and  
19 therefore objection is made.

20 On page 5, reference is made to the third  
21 paragraph from the top of the page. That matter is  
22 covered by numerous documents introduced in evidence  
23 and therefore is objectionable on the ground that it  
24 is repetitive.

25 The next paragraph, which follows, which is

STAHMER

DIRECT

1 the last paragraph under 4, is objectionable as express-  
2 ing the witness's opinion and conclusions.

3 I will skip now to page 10, the last paragraph  
4 on that page. Objection is made to the second sen-  
5 tence in that paragraph, "there was no joint German-  
6 Japanese war," and so forth, for the reason that it  
7 is a conclusion and that the Tribunal must determine  
8 what constitutes joint warfare.

9 On page 11 reference is made to the last sen-  
10 tence in paragraph one, beginning "the claim that the  
11 three nations," and so forth, which is likewise object-  
12 ed to on the ground that it is an invasion of the pro-  
13 vince of the Tribunal, and it is an expression of  
14 opinion or conclusion on the part of the witness.

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1           The next succeeding four paragraphs are,  
2 likewise, objected to. They refer to Germany's re-  
3 gard toward the United States, the British Common-  
4 wealth of Nations, the Republic of France and the  
5 Netherlands which are the result of conclusions and  
6 opinions on the part of the witness and the subject  
7 matter of which is irrelevant to any issue we are  
8 trying here.

9           No objection is made to the last paragraph  
10 on that page.

11           Now, on the last and 12th page, objection is  
12 made to the entire material on that page for the same  
13 reasons and on the same grounds as asserted as to  
14 the four paragraphs on the preceding page. Germany's  
15 interest in Siam, the Philippines and other places  
16 mentioned can have no bearing upon the issues in  
17 this trial.

18           This constitutes the objection.

19           THE PRESIDENT: Mr. Cunningham.

20           MR. CUNNINGHAM: On the first objection,  
21 your Honor, as to the background and qualifications  
22 of the witness, I believe that you will find, after  
23 the questions have been propounded to the witness by  
24 the other defense counsel who have questions and  
25 after the additional document, 1714, containing

STAMMER

DIRECT

1 questions, that each element in his background gives  
2 this witness a basis upon which to answer the specif-  
3 ic questions, and I believe it is all essential. I  
4 cannot help but believe that the qualifications of  
5 this witness should be a little more extensive than  
6 the average witness. This man was sent out as the  
7 representative of his country to make an inter-  
8 national agreement. I am perfectly willing to  
9 scratch out of that background material anything  
10 which you think you do not wish to know.

11 On the second objection, due to the number  
12 of documents which were introduced concerning Japan-  
13 ese-German relations, I think it essential to show  
14 the relationship between this witness and the am-  
15 bassadors from Japan to Germany and the relationship  
16 of this witness to the foreign minister of Germany,  
17 von Ribbentrop. And, to rebut any suggestion of  
18 conspiracy between the two nations or representa-  
19 tives, I merely wanted to show that liaison between  
20 the foreign minister and the ambassadors was some-  
21 thing that was maintained between the ambassadors  
22 of various countries and the foreign minister of  
23 Germany. Due to the fact that this witness may be  
24 the only foreign ambassador to be called as a wit-  
25 ness in this case, I thought, perhaps, the informa-



STAMMER

DIRECT

1 tion in these paragraphs would be helpful to the  
2 Tribunal.

3 In referring to the middle of page 3, the  
4 proposed treaty the negotiating powers had in mind,  
5 I suggest that how are we going to know what the  
6 contracting parties had in mind besides their  
7 agreements unless we call upon witnesses to tell  
8 us?

9 Now, on the negotiations, that progressed,  
10 at first, smoothly, and the rough draft, I call  
11 your attention to the fact that the rough draft is  
12 in evidence and need not be accounted for, as I  
13 understand it.

14 Now, an objection has been made as to the  
15 sentence, "a deadlock developed over the interpre-  
16 tation of Article 3." The witness, in answer to  
17 the question "What caused the rupture in the nego-  
18 tiations?" -- his natural answer would be, "A dead-  
19 lock occurred as a result of the interpretation of  
20 Article 3." I don't see anything that could be more  
21 explicit.

22 On page 4, the second paragraph, we have  
23 the Japanese interpretation of the reasons why  
24 certain things happened. This is merely the German  
25 interpretation of it from one of the men who was

taking part in the negotiations.

1           On the next paragraph, although it is the  
2 duty of an ambassador, one of the questions in this  
3 case is, to what extent an ambassador should be held  
4 for the policy of his government, and this paragraph  
5 throws a little light upon that.

6           Now, on the bottom of page 4 it is suggested,  
7 when Ambassador Ott asked for information concerning  
8 this matter, that ties in with that former paragraph  
9 and it supports the evidence which is already in  
10 the record, but it gives the point of view from the  
11 other side.

12           On the objection to the third paragraph in  
13 page 5, I say that this gives the German view, and  
14 we have not had very much on that side of the ques-  
15 tion, and I think it would be relevant.

16           On the fourth paragraph on page 5, I be-  
17 lieve the Ballantine testimony and the other infor-  
18 mation hinged more or less upon the statement of  
19 the policy of his government, and I think this man  
20 is qualified to testify as to what the policy of  
21 his government was on certain questions.

22           Then going to page 10, there is an object-  
23 ion that there was no joint German and Japanese war.  
24 In fact, there were two wars. This will be sub-  
25



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1     stantiated in statements by the greatest living  
2     authorities on the subject, not as witnesses, but  
3     as statements of these witnesses in the best form  
4     that we can present them, and they will be corro-  
5     borated with other documents.

6             As far as page 11 and 12 are concerned,  
7     on the conclusions, it was the thought of the wit-  
8     ness, in preparation of the affidavit, that these  
9     items were items which went into the considerations --  
10    the attitude shown in the conclusions is a factor  
11    which went into the consideration of this witness  
12    and his superiors in bringing about the internation-  
13    al agreement between Japan, Germany and Italy; and  
14    these last two pages are responses to two questions:

15            No. 1: The charge has been made that Japan  
16    and Germany and Italy set out to dominate the world.  
17    What was the attitude of the Germany Government to-  
18    ward that question?

19            No. 2: What was the attitude of the German  
20    Government toward the various countries of the world  
21    and those specifically mentioned?

22            These are the answers in the last two pages.

23            Now, it is a question for the Tribunal,  
24    after listening to this witness, to determine  
25    whether or not he is qualified to give the answer

1 to those questions.

2 THE PRESIDENT: By a majority, the Tribunal  
3 upholds the objections and rejects the document to  
4 the extent of the objections. Otherwise, the docu-  
5 ment is admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1675  
7 will receive exhibit No. 2744.

8 (Whereupon, the document above re-  
9 ferred to was marked defense exhibit No.  
10 2744 and received in evidence.)

11 MR. CUNNINGHAM: Your Honors, I have a  
12 second affidavit in the form of questions and  
13 answers which the witness has sworn to that I would  
14 like to offer at the same time in order that there  
15 be no interruption in the reading.

16 THE PRESIDENT: We will not take that this  
17 afternoon. We have a conference now. In the mean-  
18 time, revise the affidavit in the terms of the ob-  
19 jections which have been sustained and present the  
20 amended copy.

21 We will adjourn until half-past nine  
22 Monday morning.

23 (Whereupon, at 1555, an adjourn-  
24 ment was taken until Monday, 16 June 1947,  
25 at 0930.)